SENATE—*Tuesday, February 28, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 2:15 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. Today's prayer will be offered by the guest chaplain, the Reverend F. Robert Davidson, of St. Christopher's Episcopal Church, Burton, MI. The Reverend Mr. Davidson is also the National Chaplain of the American Legion.

PRAYER

The Reverend F. Robert Davidson offered the following prayer:

Let us pray:

Almighty God our Heavenly Father, whose great Commandment is that we shall love our neighbors as ourselves, and who has taught us that we should do to others as we would have them do to us, we ask Your blessing upon the Members of the U.S. Senate. Hold before them a vision of Your will for the United States of America which will enlighten the goals they set and the actions they undertake in Your name for us all. Grant them a vision of this Nation fair as it might be in the fulfillment of Your purposes; a nation of justice, where none shall prey upon others; a nation of economic plenty, where poverty and greed shall both be done away; a nation of generosity, where the needs of the less fortunate are met with caring concern; a nation of brotherhood, where success is founded upon service, and where honor is accorded to nobleness alone; a nation of peace, both within and without our borders, where order shall rest not on force but on the love and respect of all for each, and each for everyone; a nation that is both physically and morally strong to meet the challenges we shall face in the days to come.

We ask also, O Lord, that You will grant to these, our Senators, wisdom to perceive Your will for them and the United States of America, courage to lead these people in the direction You would have us to go, and strength to succeed over the many challenges they shall encounter; as You have promised always to be with Your people when they turn to You, our God and Father. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

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

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

Mr. MITCHELL. Mr. President, I yield 2 minutes of my leader time to the Senator from Michigan [Mr. RIEGLE].

THE REVEREND F. ROBERT DAVIDSON

Mr. RIEGLE. Mr. President, I thank the majority leader for yielding for the purpose of my acknowledging the very powerful and inspiring prayer that we have heard today in opening the session by the Reverend Frederick Davidson, who is the pastor of St. Christopher's Episcopal Church in Burton, MI. He has held that post since 1950. That is a 39-year record of extraordinary service in that capacity as the person in charge of that important church in my home State.

Moreover, he has been the chaplain of the Grand Blanc American Legion Post No. 13 for the past 38 years. He served eight times as the Michigan American Legion Chaplain and currently serves as National Chaplain of the American Legion. That is the first time we have been so honored in Michigan, to have one of our number recognized in that way.

We have each day here, as we open our session, a prayer given either by our own Chaplain or by a visiting chaplain. But today, I think is a very special day in having someone who has such a long and distinguished career and who serves so importantly in a variety of capacities within the American Legion, locally and nationally.

I feel a great honor that my good friend, who is really a neighbor from very near Flint, MI, an adjoining community, is here today to open this session of the Senate. I must say that we are very flattered in Michigan that he was chosen for this honor, and we are very pleased that that is the case.

I yield the floor.

The PRESIDENT pro tempore. The majority leader.

ORDER OF PROCEDURE

THE NOMINATION OF DR. LOUIS SULLIVAN TO BE SECRETARY OF HEALTH AND HUMAN SERVICES

Mr. MITCHELL. Mr. President, as I announced last week in response to several requests by the President to move as expeditiously as possible to consider his Cabinet nominees, it was my intention to take up today the nomination of Dr. Louis Sullivan to be Secretary of Health and Human Services.

I was initially advised that a delay of 1 day was requested by a Member of the minority and I was and am prepared to accede to that.

I am now advised that further delay may be requested, and I merely wish to inquire of the distinguished Republican leader with whom I have conversed briefly in private on this whether it will be possible to get an agreement to take up the President's nomination of Dr. Sullivan to be Secretary of Health and Human Services today or tomorrow.

Mr. DOLE. I first want to thank the distinguished majority leader for trying to expedite the process and I thank him for that. I know the President does.

It would be my hope, too, that the 1-day delay might be adequate. If we cannot get an agreement, I would hope that we could move to the nomination.

I am not taking issue with anyone on this side. But the President has indicated to me personally the need to move these nominations along, and I am hopeful that we can be of assistance.

We have had cooperation from the majority leader and I am sure he expects the same cooperation from the minority leader.

So I am hopeful we can get an agreement.

COMMITTEE FUNDING

Mr. MITCHELL. Mr. President, for the benefit of all Senators I will state that later this afternoon we will take up Senate Resolution 66 dealing with committee funding.

It is expected that there will be votes during the late afternoon, and Senators should be prepared for that discussion and votes on that.

THE NOMINATION OF DR. LOUIS SULLIVAN TO BE SECRETARY OF HEALTH AND HUMAN SERVICES

Mr. MITCHELL. In addition, in view of the distinguished Republican leader's statements, I will at an appropriate time move to go to the nomination of Dr. Sullivan following consultation with the distinguished Republican leader on the best time and circumstance to proceed to that.

I will simply say that we intend to move forward with Dr. Sullivan's nomination.

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

If there is a desire to obtain a reasonable delay, and we can then get a time agreement to take it up tomorrow, I am perfectly prepared to accede to that, but I cannot agree to any suggestion that would indefinitely delay it.

The President has asked my cooperation in that regard, and I pledged to give it to him, and I feel committed to act in accordance with that pledge.

JOINT MEETING OF CONGRESS TO COMMEMORATE THE BICENTENNIAL

Mr. MITCHELL. Mr. President, for the information of Senators, I wish to call to their attention the joint meeting of Congress which will occur at 10 a.m. on Thursday, March 2, in the Hall of the House of Representatives. The Senate will convene at 9:15 a.m. and proceed to the House Chamber as a body at 9:45 a.m. This meeting is a major event in the continuing series of programs to celebrate Congress' 200th anniversary.

The featured speaker at the joint meeting will be the distinguished Author David McCullough. Mr. McCullough's book on the creation of the Panama Canal was extensively quoted by both sides during the 1978 Senate debate over the Panama Canal treaties. Mr. McCullough has served as narrator of the Public Broadcasting Service television series "Smithsonian World," and narrated the forthcoming film, "The Congress," in honor of the congressional bicentennial. He was also the keynote speaker at a recent symposium sponsored by the Senate and House Bicentennial Commissions. He is currently writing a biography of Harry S. Truman.

Poet Laureate of the United States Howard Nemerov will read a poem prepared for the occasion. Mr. Nemerov, Consultant in Poetry at the Library of Congress, will be the first American Poet Laureate to speak before Congress. In 1978 he received the National Book Award and the Pulitzer Prize in poetry for his "Collected Poems."

The joint meeting will also feature addresses by congressional leaders. Senator ROBERT BYRD, chairman of the Senate Bicentennial Commission, and Representative LINDY BOGGS, chairwoman of the House Commission on the Bicentenary, will unveil designs for special congressional postage stamps to be issued in honor of the congressional bicentennial.

The U.S. Army Band will perform during the joint meeting.

I urge Senators and their families to attend this significant ceremonial occasion.

UNANIMOUS-CONSENT REQUEST —SENATE RESOLUTION 66

Mr. MITCHELL. Mr. President, I now intend to propound a unanimous-consent agreement with respect to the committee funding resolution.

I ask unanimous consent that at 4 p.m. today, the Senate proceed to the consideration of Senate Resolution 66, an original resolution providing funding for Senate committees, and that there be 30 minutes of debate on the resolution to be divided equally between the Senator from Kentucky, Mr. FORD, and the Senator from Alaska, Mr. STEVENS, or their designees, and that there be 1 hour equally divided on an amendment to limit the increase in committee funding to 5 percent to be offered by the Senator from North Carolina, Mr. HELMS, and 1 hour equally divided on an amendment to strike section 24 relating to postal patron mail to be offered by the Senator from California, Mr. WILSON; provided further that no further amendments be in order and no motions to recommit be in order and that the agreement be in the usual form.

The PRESIDENT pro tempore. Is there objection?

Mr. CHAFEE. Mr. President, I might have an amendment to that—I am not sure at this time—on which I would be prepared to take the usual time agreement provided for the other amendments.

Mr. MITCHELL. Would the Senator care to identify the subject matter of his amendment?

Mr. CHAFEE. I have not determined I am going to do this, but my thought was to attempt to reduce some of the major amounts for some of the committees. It seems to me it is unfair that some of the committees have such a disproportionate amount of funding compared to the others. I am not sure I can do this, but I would not want to be estopped from doing so. I am not trying to hold up the business here.

Mr. MITCHELL. We will just add to the agreement to make allowance for a possible amendment by the Senator from Rhode Island, if he would like that. And what time would he prefer?

Mr. CHAFEE. The majority leader is saying what—an hour equally divided?

Mr. MITCHELL. For the amendments.

Mr. CHAFEE. That would certainly be more than fair.

Mr. MITCHELL. Mr. President, I believe it would be appropriate if we consulted with the chairman and ranking member of the committee to determine that they will not object to the time agreement proposed by the Senator.

I have no objection. I do not believe the distinguished Republican leader has an objection. But they do not know of the nature of the amendment. If the Senator from Rhode Island would withhold, I will withdraw the proposed agreement and we will then attempt to make certain that there is no objection by the chairman and ranking member of the committee to a time agreement on the amendment as contemplated by the Senator from Rhode Island.

Mr. CHAFEE. That is certainly fair. If I am not here and if they consent obviously that is fine with me. Again if I am not here, I will inform the majority leader what parameters might be agreeable. In other words, if they should want more time, obviously that is acceptable; if they want less time, it could be less time as far as I am concerned.

Mr. MITCHELL. I thank the Senator from Rhode Island.

We will then undertake to have the chairman and ranking member contacted following which after consultation with the Republican leader I will propound an agreement altered to incorporate the Senator's possible amendment.

The PRESIDENT pro tempore. The request of the majority leader is withdrawn.

Mr. MITCHELL. Mr. President, I yield to the Republican leader.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. The Republican leader is recognized under the standing order.

Mr. DOLE. Mr. President, I thank the majority leader and I thank the Presiding Officer.

NOMINATION OF JOHN G. TOWER TO BE SECRETARY OF DEFENSE

Mr. DOLE. I would assume that sometime maybe later today or tomorrow, we would try to reach some agreement on when we are going to take up the Tower nomination. As I understand, the report has not been filed. This is a 48-hour period which can be waived under certain conditions. So I would be hopeful we will discuss that with the distinguished majority leader sometime either today or tomorrow morning.

I would only say in reference to that nomination, as I said at the policy luncheon at noon, sometimes we get so wrapped up in headlines and rumors and innuendos and all these things we forget about there is a personal side to everything we do also.

I received a telegram this morning. I do not want to run around reading telegrams to my colleagues, but I thought this one was worth reading.

It says:

DEAR SENATOR DOLE: We've always admired your forthrightness but never more than now in your defense of our father,

John Tower. Thank you for your unwavering support.

Our warmest regards,

JEANNE TOWER COX.
PENNY TOWER COOK.
MARIAN TOWER.

I recite that to indicate that this is a personal, very personal thing with Senator Tower's family.

We can stand out here and criticize and criticize each other and attack John Tower and attack him as a man and attack his integrity, and spread all kinds of rumors and leak stuff to the Washington Post or some other paper. There was a good leak in there this morning right out of the FBI report. But we ought to stop and think from time to time what we are doing to that person's family when we do that.

And I would guess, unless we can find some way to resolve the dilemma that we find ourselves in, there is going to be a very intense debate on this nomination. I am still, as I have indicated to the majority leader, hopeful that something can be done to satisfy the concerns that some have expressed, the real concerns that some have expressed; not every rumor, not every false rumor, not every accusation that somebody dreams up around here, but the real concerns that some people have.

The President now is back in the country. The President is meeting with Senators in an effort to do what he can to preserve his power as the nominating authority. I hope that we can work out some bipartisan solution. If we cannot, then we are going to have a very, very sharp debate; some of it may be in closed session, some of it may be in open session. Maybe the chairman of the Armed Services Committee is right, maybe we ought to reopen the hearings and bring in the witnesses right out in public view and maybe we will cross-examine those witnesses and find out what the truth is. Because many are determined not to let this nomination go down the drain because of innuendo, and rumor, and falsehoods.

We would expect more if we were the nominee. We would deserve better than that, and so does John Tower and so does anyone else. And so there are some concerns being expressed.

I would just say, as I understand it, S-407 is not being occupied by another group. I hope we can ask them to go elsewhere so that our colleagues can go up into S-407 and take a look at the various documents there. I must say yesterday, all day long, there was a document up in S-407 with no marking on it. It looked like an official committee report, official committee report of all the committee members, which was very anti-Tower. It turned out later it was a majority report put together by the majority. I think it did not really reflect the truth. It was not a summary of the FBI report.

So an agreement was reached last night and today, if that is the case, then they could have another report up on the other side. So today there is the FBI report, there is a statement of facts up there, and there is the so-called Nunn report, which was the one I referred to that was there all day yesterday—and many Senators read that and did not read anything else—and today there is sort of the Warner-Dole report which we believe properly reflects the summary of the FBI report. It is an advocacy document. It would be assumed to be pro-Tower. But it is factual.

And so I would urge my colleagues who only read the one report yesterday to go back and, in fairness to Senator Tower, read the other document, or better yet, read the entire FBI report which, as many know, is 300-some pages long.

But I do understand that we will be on this nomination, depending on the 48-hour provision, sometime this week.

I would say again to my colleagues on both sides of the aisle, if there is anything the President can do to allay the concerns that some people have expressed, he is willing to sit down with anyone in this Chamber, John Tower is willing to sit down with anyone in this Chamber, any one of us, ask him any question you wish, and I believe the President and his nominee are prepared to allay the real concerns that some people have.

If you do not like John Tower, we cannot do much about that. If you are already locked in concrete, we cannot do much about that. But we can expect people to look at the facts.

And there have been all kinds of facts published. I have to mention just a couple. The one about the ballerina got a lot of press, on the nightly news; people loved it. Dancing on top of a piano with a ballerina. The trouble is, they never found any ballerina. And the trouble is, the information came from somebody who used four aliases and we are supposed to believe that—and some people do believe that—about John Tower. And his daughters read that story for days and it is not fair to them. It is not fair to him.

And then there is another story about certain allegations about drinking that appeared in the paper, big headlines, somebody saw him at three places. It turned out he was not even in town.

Now, how many Senators believe that? I do not know. But again his daughters got to read it, his family got to read it, his friends got to read it, the American people got to read it. And then they are asked: "Are you for this man?" "Why, certainly not."

So I think we are going to have the facts. It is difficult to get the facts when they are all upstairs in S-407 in the FBI report. Somehow we are going to have to make certain, if we cannot get our colleagues to go up and read both sides, to somehow get the facts out in the open.

But I will say again, as I said to the majority leader, as I said to the chief of staff of the White House last evening, that we have had problems before in the United States. We have come to loggerheads, we have come almost to the breaking point in this Chamber when someone on one side or the other said, "Hold it. Wait a minute. What are we doing to the institution, to the nominee, to the President?"

I am still hopeful that we will work out something that we can go ahead with this nomination and hopefully report it favorably and notify the President that his nominee for Secretary of Defense has been confirmed.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, there will now be a period for the transaction of morning business not to extend beyond the hour of 4 p.m. today. Senators will be permitted to speak therein for not to exceed 5 minutes each.

CLEAN AIR ACT SCHEDULE

Mr. BAUCUS. Mr. President, there has been a lot of optimistic talk recently about strong environmental protection. President Bush and EPA Administrator Reilly have promised a more active environmental policy. Members of Congress have expressed hope for renewed bipartisan cooperation.

I believe, therefore, now it is time to roll up our sleeves and get to work. With that in mind, I am today announcing the schedule I plan to follow for consideration of Clean Air Act amendments this year.

As the new chairman of the Subcommittee on Environmental Protection, clean air legislation is my highest priority.

DECLINING AIR QUALITY

It is also a high priority for the American people.

EPA announced earlier this month that an additional 28 areas do not meet the Federal air quality standards for ozone, or smog. Fifteen million people live in these areas. We now have 150 million people living in areas where it is unhealthy just to breathe the air. That is a majority of Americans.

The EPA report also noted that in most of the East the ozone problem was substantially worse in 1988 than 1987. This is not progress.

The adverse effects of ozone exposure are known and they are serious. Even at the current Federal air quality limits for ozone, healthy exercising

adults suffer adverse effects from exposure.

Children, who breathe more quickly than adults and have smaller air pathways, are also affected. In fact, last summer many urban areas exceeded the occupational standard for air quality. Our children were playing in air so dirty that it would be illegal for an adult to work while breathing it. This is not progress.

But we can have cleaner air. Most areas can have clean air just by using currently available control measures. But those control measures will not be used unless Congress directs their use. We must pass a law to clean up the air. Only enactment of strong, solid legislation can produce significant improvement in air quality.

SCHEDULE

In order to accomplish this, I am notifying my colleagues today of my plans. Earlier today, I and other members of the Environment and Public Works Committee, so formally notified EPA Administrator William Reilly by letter.

Last year the committee reported a compendium of bills that had been separately introduced. These bills addressed toxic air pollutants, ozone and carbon monoxide nonattainment, and acid rain. I expect to follow a similar procedure this year.

I have scheduled 2 days of hearings in April on health and environmental effects of air pollution.

We will introduce legislation on toxic air pollutants on April 3. While I and Senator BURDICK will be involved in all aspects of the legislation, I have asked Senators LAUTENBERG, DURENBERGER, and BREAUX to focus on this issue.

We will introduce comprehensive nonattainment legislation by May 1, including controls on autos. Senator CHAFEE and I will lead discussions on this issue.

We will introduce acid rain legislation on June 1. Clearly, development of any acid rain bill must rely on the experience and knowledge of our esteemed majority leader, Senator MITCHELL. He and I will work together with other Members to develop an acceptable package.

After all three issues have been addressed, we will hold hearings on the legislation and proceed to markup. I hope to finish markup before the July 4 recess.

S. 1894: LAST YEAR'S BILL

I considered reintroducing last year's legislation. After conferring with my colleagues, I have decided not to reintroduce the bill.

S. 1894, reported by a vote of 14 to 2 by the Environment and Public Works Committee, is a good piece of legislation. But it has come under attack for not being feasible. But I ask: Are the current air pollution levels feasible?

We must enact strong legislation to protect that majority of Americans who are breathing dirty air. My commitment to this goal is as strong as it has always been.

As good as S. 1894 is, this is a new Congress and we have more information about the nature of the air quality problem.

We also have a President who now publicly supports clean air legislation, including acid rain controls. There are changes in the composition of membership of the Environment Committee.

Almost 2 years have passed since much of the original legislation encompassed in S. 1894 was first introduced. Millions more Americans now live in dirty air areas. We found out that "running losses" from motor vehicles can contribute 32 percent more emissions to an area's air quality problem than we previously believed.

These factors must be taken into account. I plan to do so in pressing for significant reductions in emissions of pollutants. A weak bill would at best slow the decline in our air quality; a strong bill, and only a strong bill, improves air quality.

At the same time, we must have a tough bill that is enacted into law. The methods of the past 8 years have not worked. We need a new approach.

I am not interested in broad political statements that do not have the support of a majority of Senators. I will press for a tough bill and ask Members to make tough choices, but I expect to work with my colleagues to address legitimate concerns.

This places a responsibility on other Members to come forward and alert me and other members of the Environment Committee of your concerns. We are prepared to discuss provisions and different approaches, keeping in mind our mandate to protect the public health and the environment.

ACID RAIN

A critical area of negotiation will clearly be acid rain. Senator MITCHELL made a valiant effort last year to reach agreement on this issue. I am hopeful that with his efforts again this year we will finally resolve this longstanding issue.

One of the concerns frequently expressed is the adverse economic consequences of acid rain controls on the Midwest. I am sensitive to these concerns and assure my midwestern colleagues that I have no desire to enact legislation that threatens jobs.

But not only the Midwest would stand to suffer under an Acid Rain Control Program. In Montana, we mine some of the lowest sulfur coal in the country. We are staggering under the weight of a depressed economy and unemployment above the national average.

In the last 5 years, 25,000 people moved out of Montana because there are no jobs available. Our agriculture, mining, oil, and timber industries are all depressed. We should not be penalized by an acid rain approach that sacrifices potential jobs for our miners.

We have installed four scrubbers in Montana to control sulfur dioxide emissions from some of the lowest sulfur coal in the country. We take our mining and our environment seriously.

Low-sulfur coal is an appropriate and inexpensive part of the solution to the acid rain problem and I expect that any compromise will retain an active role for this clean coal.

ACKNOWLEDGMENT OF MEMBERS

As new subcommittee chairman I am aware that we are continuing, not beginning, the clean air process. I would like to take this moment to thank those who have been in the forefront of the effort to address this issue.

The majority leader, the former subcommittee chairman, will be a tough act to follow. Fortunately for us all he promises to remain active despite his many other pressing duties. I personally look forward to working closely with him. He has set high standards for consideration of both the process and substance of this issue. I hope to uphold those standards.

Our chairman, Senator BURDICK, has been extremely helpful in making reauthorization of the Clean Air Act the Environment Committee's No. 1 priority. Senator BURDICK does not often announce his good deeds, but I would like to publicly acknowledge his help in this instance. Without his commitment our task would be even more difficult.

The senior Senator from New York, Senator MOYNIHAN, was in fact the first to introduce acid rain legislation. His pioneering efforts led to the first integrated research program on acid rain. I know that he will continue to lend his wise counsel on this issue as he has in the past and I look forward to it. His appreciation of the science involved will be a valuable contribution to our efforts.

Our new ranking member, Senator CHAFEE, has years of experience in crafting contentious environmental legislation. His landmark work on the Clean Water Act and the Resource Conservation and Recovery Act will serve him well as we turn to air pollution.

Our former leader, the President pro tempore, the present Presiding Officer, Senator BYRD, will again play a pivotal role in our acid rain discussions. He has been a strong advocate for his constituents. I look forward to discussing this issue with him and working together to form an acceptable proposal.

And last, but certainly not least, I want to extend an open hand to the assistant Republican leader, Senator

SIMPSON. We share many of the same Western concerns and, I hope, a joint interest in enacting sound clean air legislation. He has spent many hours on this issue and I look forward to working with him again this Congress.

CONCLUSION

Mr. President, I am optimistic that the 101st Congress will finally break the clean air deadlock. For too long the public has suffered. The task is not an easy one. It will take long hours of work and study. It will take patience and perseverance. It will take a commitment by all Members to resolve this critical public health issue.

I accept the challenge and pledge to take the time and devote the energy to enacting a tough, practical clean air bill this Congress.

I thank the Chair.

CLEAN AIR ACT AMENDMENTS

Mr. BURDICK. Mr. President, I rise to join my colleagues on the Environment and Public Works Committee to stress the need for immediate action on comprehensive amendments to the Clean Air Act.

In past sessions, our committee made several attempts to make needed changes in the act. Our efforts were greeted with outright opposition from the Reagan administration.

Those years of denial and procrastination have made this task much more difficult. The quality of the Nation's air has deteriorated.

The costs associated with improving our air quality have increased greatly as a result of our inaction during the 1980's. Today, we begin the process of enacting a comprehensive package of Clean Air Act amendments.

Clean Air Act amendments are the No. 1 priority of the committee during the 101st Congress. These amendments will constitute the major environmental vote of this session.

There has been a great deal of discussion concerning global warming in recent months. We can do more to directly address this problem, in the near term, by enacting clean air legislation in this Congress.

As the saying goes, "it takes two to tango." For the first time in nearly a decade, we have an administration which is publicly committed to supporting enactment of a clean air bill.

We have a new Administrator of the Environmental Protection Agency who has pledged to work with the Congress in fashioning Clean Air Act amendments. This is a positive starting place.

But there is a long road ahead of us. If we are to enact a comprehensive clean air bill, every region of the country must be part of our deliberations.

Some of the issues concerning acid rain are the most divisive of the clean air debate. I am confident that a solution, which takes into account the circumstances of each region of the country, can be reached.

Any compromise concerning acid rain must be neutral with regard to existing and future coal markets. If we abandon the polluter pays principle to assist the cleanup in the Midwest powerplants, then full credit must be given to those areas which have expended millions of dollars during the past decade for air pollution controls.

The committee is open to suggestions from all Members of the Senate. We intended to complete action on the Clean Air Act amendments during this Congress. I urge other Members to make their views known.

We intend to enact a strong bill which addresses this Nation's serious air pollution problems. We intend to enact a bill which will give the Environmental Protection Agency, and State and local governments a framework to effectively and aggressively deal with this major threat to the Nation's public health. It is time for action. Let us get on with the task.

I urge my colleagues to join with us in this vital effort.

I thank the Chair.

CLEAN AIR AGENDA

Mr. MITCHELL. Mr. President, the quality of life and the quality of our environment are inseparable. We have made good progress on the quality of the environment in many areas.

But our progress is being overtaken by events. In 1970, when the first comprehensive Clean Air Act was signed into law, Americans registered 108 million cars and drove 900 billion miles. In 1987, we registered 177 million cars and drove more than 1.7 trillion miles, with no decline in sight.

The U.S. consumes more energy per gross national product than any other developed nation. This means we produce large quantities of sulfur dioxide and oxides of nitrogen, even if consumption were unchanged. Experts now predict that without further mandated reductions, there will be a about a 2-million-ton increase in sulfur dioxide emissions by 2000.

Americans felt the consequences of more cars and inefficient uses of energy last summer.

Health alerts then told residents of urban areas not to exercise, warned older people and those with asthmatic or pulmonary conditions to stay indoors and suggested that small children not play outside.

In the Washington, DC, metropolitan area last summer, 34 days exceeded the occupational standard for air quality. That means it would have been illegal to expose a factory worker to the air Washington residents breathed, and children played in, for over a month last summer.

Recently released EPA data indicates that 15 million more people are exposed to unhealthy levels of ozone than they were before last summer. This means that 150 million Americans are living in areas where it is often unhealthy just to breathe.

The increasing ozone levels affect all areas, including so-called clean areas. At Mount Desert Island on the coast of Maine, where nearly 5 million people come to escape the summer heat of the cities, monitoring stations reported several violations of the Federal air quality standards.

Dr. Morton Lippman, professor of environmental medicine at the New York University Medical Center, warned in July:

> Until recently we had the impression things were improving, but what we see this summer shows us that we are back where we started from.

Dr. Lippman is right and the EPA data confirms this. Despite considerable progress in controlling some forms of air pollution, we must do more.

Paradoxically, there is reason for hope. For we have found that just as neglect of pollution controls means dirtier air, emphasis on those controls can mean cleaner air.

Americans are suffering from a man-made phenomenon that can be controlled by man. We have developed the technologies of control.

We have the resources to apply those technologies. Until now, what we have lacked is the political will to do so. We must now develop that will.

We cannot, with one piece of legislation, reach all the factors that contribute to dirty air. Nor can we expect any remedy to be cost free. We must keep these fundamental facts in mind as we consider legislation.

Air pollution is not just a regional problem, not just an industry problem, not just something that affects people in the Los Angeles basin or the Northeast alone. Air pollution is a national problem. It affects all of America, and all Americans.

Experts from every branch of medical science have told us that breathing dirty air is simply not a matter of discomfort. It impairs the ability of lungs and blood to carry oxygen. It may permanently damage the lungs.

No one has control over the air he or she breathes. No one can control the direction in which pollutants move in the atmosphere. No one can isolate himself from the quality of the air. It is not a matter of choice, or a conscious assumption of risk.

It is an involuntarily imposed health threat, affecting everyone. The universality of the threat dictates that solutions must be broadly based.

A solution that penalized one part of the country, or one segment of industry, would be unfair and unrealistic.

We have an integrated national economy. None of our regions can

thrive in isolation, or in opposition to others.

A policy that imposes huge job losses in West Virginia or Ohio or Kentucky or Illinois is no more acceptable than a policy that imposes heavy pollution damage on Maine or Vermont or North Carolina.

We confront this problem together. We must work together to solve it.

I am encouraged that so many of my colleagues acknowledge this fact. And we must acknowledge it as fact: A solution will impose costs on all of us, just as a failure to act imposes damage on all of us.

The issue is no longer how each of us can best avoid our share of these costs. The issue is how to fairly apportion those costs and reduce that damage to the health of Americans and to the American environment.

The American Lung Association estimates that air pollution costs $40 billion each year in medical costs and decreased worker productivity. Agricultural losses are estimated to be between $2 and $5 billion every year. As last summer's air quality data demonstrates, these costs will only increase if we do nothing.

The American Forestry Association recognized this risk when it stated:

* * * the American Forestry Association believes that the risks and costs associated with further delaying additional pollution controls now seem to outweigh the risks and cost associated with action * * * the control program should target the nation as a whole, as the terrestrial and aquatic forest resource impacts from air pollution constitute a national threat.

Of course, it is easier to quantify the cost of equipment than it is to put a price on impaired lung function. This is the crux of the political problem. The cost of prevention and the value of cleaning up pollution are often difficult to determine with precision.

These arguments will be heard again this year, but the urgency of the problem I sincerely believe will override unfounded claims of overwhelming costs.

President Bush has repeatedly stated his personal commitment to cleaner air. He has promised to send us his ideas on legislation. I look forward to reviewing his proposals.

The subcommittee chairman, Senator BAUCUS, has just presented a reasonable schedule for consideration of clean air legislation. I agree with this schedule and will work with Senator BAUCUS and other members of the committee to assure that we meet it. I urge the administration to submit its proposal in a timeframe consistent with this schedule. To this end, we have today sent President Bush a letter informing him of our schedule so that he may be personally aware of it.

The announcement of the clean air schedule today also enables other Senators to have notice that they must make clear their concerns.

We will have a vote on Clean Air Act legislation this Congress.

Each of us has to take the time to work on the issue and to participate in developing this important legislation. There is time for such participation under the schedule laid out by Senator BAUCUS.

The time to act is now, and I hope the Senate will do so.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The junior Senator from Rhode Island, Mr. CHAFEE, is recognized for not to exceed 5 minutes.

Mr. CHAFEE. I thank the Chair.

Mr. President, first I would like to pay tribute to the prior speakers—our distinguished majority leader, who has long worked on clean air matters, the distinguished senior Senator from Montana, Senator BAUCUS, who has been active in clean air legislation, and of course the chairman of our full committee, who has given us such excellent leadership, Senator BURDICK, from North Dakota.

Mr. President, I believe the schedule for reauthorization of the Clean Air Act as set out by Senator BAUCUS is a good one. Approving the renewal of this important law by dividing the legislation into separate bills and then going to a marking up on them will enable the committee to proceed in a deliberate and an orderly fashion. The clean air legislation is extremely complicated and we must assure that our work is both thorough and well thought out. To achieve this objective, as has been pointed out, we will hold a series of hearings once the legislation has been introduced. It is imperative, I believe, that we accomplish our work within the timeframe that has been suggested. For those who have not been counting, it has been 11½ years since clean air amendments were enacted into law. That is the last time we passed any clean air legislation—11½ years ago. We are now 7 years late in renewing authorization for air pollution programs, and we are over a year behind the deadline which was established in law for all areas in the country to achieve healthy levels. Over a year ago all of the Nation was meant to be in compliance with these healthy air standards.

This might not be so troubling if existing programs were improving air quality but this plain just is not happening now.

In 1981, the National Committee On Air Quality, the NCAQ, estimated that only 32 counties out of the 3,000-plus in our Nation would fail to meet the ozone health standards by 1987. As they looked ahead to the future, they said that of the 3,000 counties in the United States, only 32 would not meet these standards by 1987. In fact, by 1988, the data shows that not 32 counties but 426 counties are part of nonattainment areas, and over 100 million people live in those counties. There may be only 426 counties that are not in compliance out of the 3,000, but in those 426 counties live nearly half the population of the United States of America.

Similarly, it was projected that all 262 metropolitan areas, with the possible exception of Los Angeles and Denver, would attain the carbon monoxide standards by 1987. In fact, the data shows that two complied. It shows that 50 instead of 2 areas were in noncompliance—not 2 areas but 50 metropolitan areas, which is about one-quarter of all the metropolitan areas. Previously I was talking about ozone standards. That is different from carbon monoxide standards.

These are dry statistics, but we have to remember that the ozone and the carbon monoxide standards were established to protect people's health. That is why we passed them. We had testimony in 1987 before our committee and scientific publications since then have supported the need to bring the pollution levels down to the standards. The pollution levels that were established were not ridiculous ones. They were the correct ones. At pollution levels above the standards a variety of people can be affected. Who are we talking about? We are talking about children. We are talking about adults who do any form of exercise. We are talking about asthmatics. When we are dealing with carbon monoxide, it is especially dangerous for those with health problems.

I ask that I might have such time as I may need to finish.

The PRESIDING OFFICER (Mr. KERREY). Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, will the Senator simply indicate how much time he will take? That way I will know whether I should return to the office.

Mr. CHAFEE. How about 10 minutes? Is that all right?

Mr. BYRD. I have no objection.

Mr. LAUTENBERG. Will the Senator yield for a further question?

Mr. CHAFEE. Sure.

Mr. LAUTENBERG. I wonder if I could address it to the Chair. We do not have at this point a formal list of speakers. It was just as recognition obtained. But is it not correct that the time for morning business is over at 4 o'clock?

The PRESIDING OFFICER. That is correct.

Mr. LAUTENBERG. The original unanimous consent order called for what period of time?

The PRESIDING OFFICER. The order we are operating under now grants each speaker 5 minutes.

Mr. LAUTENBERG. Five minutes. I just want to register my concern that there are so many who want to be heard that if we run substantially beyond that, many of us will not have a chance to talk at all. I yield the floor.

The PRESIDING OFFICER. Is there objection to the request?

Mr. LAUTENBERG. No, there is no objection.

Mr. CHAFEE. Mr. President, I do not want to keep anybody else. Is there something sacred about 4 o'clock? I see the majority leader is on the floor.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, areas that do not retain these health standards are called nonattainment areas. To bring ozone pollution in these areas down to healthy levels, we have to deal with the emissions of hydrocarbons and in some cases the oxides of nitrogen, so-called NO_x. Of course, in carbon monoxide nonattainment areas, most of that concentration of carbon monoxide comes from automobile emissions. That must be reduced. Adverse health effects are also associated with sulfur dioxide-related pollutants.

In 1987, 2 years ago, the Environment and Public Works Committee reported out strong clean air legislation. That bill, S. 1894, was the result of 11 days of hearings, 3 days of markup in the subcommittee, and 7 days of markup in the full committee. Many said the bill was too stringent. Yet in a 1988 report, the Office of Technology Assessment projected that a majority of areas with unhealthy ozone levels would still experience unhealthy air even after we met those measures that were provided for in our legislation. In other words, they were saying the bill did not go far enough.

As I say, there are lots of objections to S. 1894. I believe the distinguished majority leader has touched on this.

So what we are attempting to do this afternoon, and as we proceed along, will be to attempt to increase understanding of the complex issues that this legislation deals with. I believe we have serious air pollution problems in this country, and we have to take strong action. The bill we brought out last year was a good response but not a perfect one. I think there are some key components that we want in the new clean air legislation. First, it must contain improved new controls for motor vehicles to offset the projected growth in emissions from the increase in automobile miles traveled. The majority leader gave us those statistics in his statement.

Among the needed improvements are technologies such as better canisters to control gasoline vapors that contribute to the ozone formation. We have to have tighter requirements to bring down tailpipe emissions such as NO_x that I mentioned before, carbon monoxide and hydrocarbons.

Second, in order to get a handle on ozone nonattainment, stationary sources of hydrocarbons must be more tightly controlled. What are we talking about? We are talking about reductions in hydrocarbon emissions from wood furniture coating operations, from auto body refinishers, from sewage treatment plants, from RCRA-type treatment storage and disposal facilities, and plastic parts coating operations.

The difficult problem facing us is that we have done the easy work and the improvements from now on are going to be more difficult and more costly than they have been in the past.

Third, the legislation must require EPA to take the lead in setting minimum standards for a number of sources of pollution. We believe that minimum Federal standards will assure that the States will not be tempted to compete with each other at the expense of the environment, and the public health.

Fourth, State and local officials must continue to bear the frontline responsibility for air quality.

Fifth, any Clean Air Act revisions must contain provisions to address the serious problem associated with acid rain and its precursor pollutants, sulfur dioxide and oxides of nitrogen.

In the bill last year we called for a reduction of 12 million tons of sulfur dioxide by the year 2000. I think that is the right combination. Maybe that is not what we will accept this year. I do not know.

Finally, emissions of toxic air pollutants continue to be a vexing problem. That is a matter that Senator DURENBERGER will be handling, and I presume will be speaking on today.

Mr. President, I am optimistic that an environmentally strong clean air bill will be passed by the Senate this year. I am particularly encouraged by the commitment of the President in proposing clean air legislation and by the pledge of the EPA Administrator, Mr. William Reilly, to work with Congress to obtain a law.

The need for legislation is clear. The commitment of the leadership in the Senate to enact a bill is strong, and the schedule set out by the Environment and Public Works Committee is designed to bring a good bill before the Senate by year's end.

I want to thank the Chair. I yield back the remainder of my time.

Mr. WARNER. Mr. President, I rise to join my colleagues from the Environment Committee to discuss the committee's consideration of legislation reauthorizing the Federal Clean Air Act.

As I understand the committee's schedule, legislation dealing with air toxics will be introduced on April 1, 1989, followed by the introduction of separate legislation dealing with nonattainment issues, and finally, acid rain control issues, on May 1 and June 1, respectively.

I further understand that hearings on these bills will not begin until after June 1, 1989, after all three bills have been introduced.

Mr. President, this appears to me to be an ambitious approach to these major issues, but I have great hope that the committee can move legislation according to this schedule, while providing ample opportunity for legitimate concerns and views to be presented, and accommodated.

Last summer we saw an unacceptable rise in unhealthy conditions around the country as a result of air pollution. We need to be able to report a bill from the committee that the entire Senate can support, that the Congress can pass and that the President can sign into law.

The American people are demanding that effective and fair Clean Air Act legislation be passed, and that is a realistic and feasible demand.

Last year it was my unfortunate duty to have been one of two members of the Environment Committee to have voted against S. 1894. I did so because I did not feel that that legislation had been given appropriate consideration by the committee.

First of all, it is my recollection that, while the committee had many hearings on the matters contained in S. 1894, there were never hearings on the legislation itself, once drafted.

It is my opinion that the committee would benefit from hearing the views of interested, expert parties on the actual provisions which staff have drafted into legislation.

I do not say this only because I was not happy with the shape of S. 1894, but because I believe direct testimony on actual legislative provisions would have been more helpful to me personally, as I assume they also would have been to other members who were not able to attend every meeting of the committee.

The schedule outlined by my colleagues here this afternoon seems to afford that opportunity.

Second, Mr. President, it is my opinion that the committee-reported legislation did not reflect a position which the Senate as a whole could embrace. The progress that S. 1894 made—or did not make—after being reported from committee is testimony to that fact.

Further, the final form of S. 1894—or of Clean Air Act legislation last year—was negotiated by a handful of Senators. Other Senators were left watching and wondering what the shape of such legislation might be, and wondering whether they would

have the opportunity to have their concerns and the concerns of the States they represent addressed.

That feeling is not an easy feeling to have, especially when it comes right at the end of a Congress, when legislation often passes quickly.

Mr. President, my colleagues have outlined an ambitious schedule here, but it is one that can be built upon.

The major concern that I have at this point is where exactly this schedule leaves President Bush's Clean Air Act proposal.

As my colleagues know, President Bush has promised to submit and press for enactment of a major Clean Air Act reauthorization. I would hope that my colleagues would be mindful that we have a great opportunity to work in concert with the administration to strengthen America's clean air laws. I think we ought not squander that opportunity.

Mr. President, in conclusion let me say that I want to to vote for a clean air bill this year. But I want that bill to reflect a realistic, reasonable approach to our air problems. I also want to make sure that that approach does not unfairly penalize one region of the country over another, or, give an undue market advantage to one type of coal over another, or one technique for achieving reductions in pollutants over another.

We are on a good path here, and I commend my colleagues for moving toward action on clean air. I hope to be able to cast an "aye" vote in support of an effective and fair Clean Air Act reauthorization bill.

Mr. MOYNIHAN. Mr. President, I would like to commend Senator BAUCUS, Senator MITCHELL, and the other members of our committee for the dedication they have shown to this issue, because dedication is what has been needed. Clean air is a subject that has required real staying power.

The year 1977 was my first year in the Senate and as a member of the newly titled Committee on Environment and Public Works. This was the year when we last amended the Clean Air Act, and it seems we have been trying to repeat that feat ever since. The 101st Congress will mark the successful culmination of this decade long effort.

I would take just a few moments to set out some of my priorities with regard to the clean air bill our committee will be considering in the coming months. First and foremost for me, as well as for the State of New York, is the matter of acid rain. I have been involved with this issue since entering the Senate and hope to see it through.

The only Federal acid rain legislation ever enacted is the Acid Precipitation Act of 1980, which I first introduced on September 14, 1979. This bill, which passed in 1980 as part of the Energy Security Act, created the National Acid Precipitation Assessment Program, commonly known as NAPAP. NAPAP's 10-year research and assessment program will spend nearly $400 million over its 10-year life. It is now nearing its end, and the monitoring and research it has supported have been vital to our understanding of the acid deposition phenomenon.

We now have a very respectable data base. Our strong suspicions of the late 1970's, that lakes, streams and forests were being damaged by acid rain, are now well recognized facts. We know what areas are being damaged, and we know where the insult originates. The only question that remains open is what to do about it.

I can guarantee that the bill reported by our committee will contain strong acid rain provisions.

The other area of major concern for me is urban air pollution—smog. The EPA's latest data rank New York as having the fourth highest levels of urban ozone in the Nation. Inhalation of ozone has been shown to cause reduced lung function in the short term, and microscopic lesions on the surface of the lung over longer periods.

A large part of any program to reduce levels of ozone and carbon monoxide in urban areas must be tighter controls on automobile emissions. The automobile manufacturers have made impressive progress in reducing car emissions, although this progress has always been at the mandate of Congress. It appears to be time once more to ask them for another effort.

Despite the advances that have been made, the explosive growth in the number of cars on the road is threatening to offset much of what has been accomplished. Presently applicable auto emission standards have succeeded in eliminating 95 percent of hydrocarbons and carbon monoxide from auto exhaust, but this will not be enough. At present, 50 percent of urban ozone and 90 percent of carbon monoxide results from pollution emitted by cars and trucks. Any solution to the problems of urban air pollution cannot exclude this very large part of the problem.

Mr. President, I look forward to a productive effort by our committee this year, and recommend that all Senators begin to prepare themselves to consider this issue.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I want to thank the distinguished Republican leader and the distinguished Senator from North Carolina who have agreed to consent to a unanimous-consent request which I am about to propound regarding the nomination of Dr. Sullivan. And I will now propound that request.

Mr. President, as if in executive session, I ask unanimous consent that on Wednesday, March 1, at 12 noon, the Senate go into executive session to consider the nomination of Louis W. Sullivan, to be Secretary of Health and Human Services, under a time agreement of 1 hour equally divided between the Senator from Texas [Mr. BENTSEN] and the Senator from Oregon [Mr. PACKWOOD], or their designees; provided that no motions be in order and, that at 1 p.m., the Senate proceed without any intervening business to a 15-minute vote on the nomination.

Provided further, that upon the disposition of the nomination the motion to reconsider be laid upon the table, and that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER FOR YEAS AND NAYS

Mr. MITCHELL. Mr. President, I further ask unanimous consent that it be in order to request the yeas and nays on the Sullivan nomination.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays on the Sullivan nomination.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. BREAUX addressed the Chair.

Mr. MITCHELL. Mr. President, may I yield to the Senator from Louisiana with the request that momentarily we may have another unanimous-consent request if we could interrupt?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 4 p.m. today, the Senate proceed to consideration of Senate Resolution 66, an original resolution providing funding for Senate committees; and that there be 30 minutes of debate on the resolution to be equally divided between the Senator from Kentucky [Mr. FORD] and the Senator from Alaska [Mr. STEVENS] or their designees; and that there be 1 hour equally divided on an amendment to limit the increase in committee funding to 5 percent to be

offered by the Senator from North Carolina [Mr. HELMS]; and that there be an additional 15 minutes on that amendment to be used by Senator CHAFEE or his designee; and that there be 1 hour equally divided on an amendment to strike section 24 relating to postal patron mail to be offered by the Senator from California [Mr. WILSON]; provided that no further amendments be in order; that no motions to recommit be in order; and, that the agreement be in the usual form.

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

Mr. MITCHELL. Mr. President, I thank the Senator from Louisiana.

CLEAN AIR ACT AMENDMENTS

Mr. BREAUX. Mr. President, I first want to commend all the member of the Environment and Public Works Committee, including our distinguished chairman of the full committee, the Senator from North Dakota [Mr. BURDICK], and both subcommittee chairman who are here on the floor this afternoon—Senator LAUTENBERG, who has been very active in this area, as well as Senator BAUCUS, the new chairman of the Environmental Protection Subcommittee. I commend them for their contribution to the discussion we have had on clean air.

There is no question that there is a crying need for Congress to respond to what is indeed a national concern and a national crisis with regard to the quality of the air we breathe.

There is a joke that says some people in America do not trust the air they breathe unless they can see it. That is a sad commentary on the air quality conditions of many parts of the United States. We have cities where our citizens cannot see above a certain level because of a cloud of noxious substances that layer the areas in which we live.

At the same time, despite the tremendous concern that Americans are expressing about the quality of the air that we breathe and the need for us to do something about it, the fact simply remains that we have not been able to do so.

It is appropriate, but a little unusual, I guess, that we stand on the Senate floor and discuss this issue among ourselves. We need to broaden that dialog. We need to talk with those who have opposed efforts to come up with a clean air bill, to try to bring them in, try to bring in the various constituent groups out there in America that have different opinions on the subject, in order that we may negotiate a bill that would be reasonable. I will predict, as I did last year, that until we bring in under the umbrella of discussion all the various points of view, we are not going to be successful in adopting any major amendments to the Clean Air Act.

We have been unable, despite the seriousness of this issue that cries for action, to amend the existing clean air law with a set of amendments that are rational, reasonable, balanced in their approach, in order to get something over to the President for him to sign. It is critical that we do that this year. It is critical that at least we do it in this Congress.

I am delighted that our new President, a person for whom I have a great deal of admiration in many, many areas, has agreed to be forthright and forthcoming in recommending amendments to the Clean Air Act. His new Administrator for the Environmental Protection Agency, Mr. Bill Reilly, has told me that he plans to support legislation to amend the Clean Air Act.

That is a far different situation from the one we had last year, in which the administration basically sat on its hands and refused to participate in the process. I have said time and again that a clean air bill will not be successful if it is written totally by industry representatives, nor will it be successful in becoming law if it is written totally by environmental concerns, without interaction and without discussion and without compromise among the various groups.

We can say anything we want on the Senate floor, but until we have legislation which brings together these conflicting interests, we are not going to be successful in getting a clean air bill adopted by the Senate and the other body and one that will be signed by the President.

There will be numerous areas in which we are going to have to compromise; otherwise, we will fail once again. We can no longer afford to fail in trying to find the solutions for such serious problems. So I welcome this discussion. We need to broaden it, and we need to have more people involved in seeking answers to these very serious problems.

We in the Congress have a very difficult job in coming up with specific standards. I do not know whether a standard should be 0.009 or perhaps 0.008 when we talk about standards for emissions of a particular compound. Congress should not make those judgments. I would like to have legislation that directs the Environmental Protection Agency to follow through in establishing what those specific standards should be. The legislation should set out goals for what we hope to accomplish, a timetable, and see to it that we ensure that EPA comes through and does what they in fact are supposed to do to achieve those goals.

I doubt that our committee is equipped or knowledgeable enough to come out with the specific numbers that are needed and appropriate to clean up America's air. So we will have to set out a general set of principles and assure the American public that the EPA will in fact follow through aggressively with what they are to do.

I certainly hope that is what is going to happen this year. I am certainly committed to contributing to that process this year. I urge all Senators to join us in that effort.

Mr. LIEBERMAN. Mr. President, to live is to breathe, an instinctual act which we perform unconsciously except for those times when the necessity of this act is brought dramatically to our attention. On a cool February day in Washington, DC we are slow to remember the dreadful summer of 1988 when the people of this city were brought to a painful awareness of the relationship between life, health, and the air we breathe. During July and August of that year, if Washington, DC had been a factory it would have been shut down and the workers sent home because the air pollution exceeded occupational health standards for 34 days. Similarly, residents of my home State of Connecticut face unacceptable levels of acid rain and ozone pollution, not of their making. In the summer of 1987 EPA data indicated that Connecticut had a dozen days of ozone pollution emergency conditions. When compiled, the data for the summer of 1988 are expected to be much worse.

Acid rain is a problem which not only affects trees and lakes but threatens human health as well. According to testimony summarized in the Environment and Public Works Committee 1987 Report on the Clean Air Standards Attainment Act, acid rain is responsible for 50-70,000 premature deaths each year. We spend an estimated $40 billion each year in additional health care costs because of air pollution. Canadian studies, conducted over the last 14 years, have shown that hospital admissions for respiratory problem go up with increases in sulphate and ozone levels. It is particularly infuriating that a large portion of this burden falls on those who are least able to protect themselves—our newborn, young children, and the elderly.

We must have strong clean air legislation and, we must have it soon.

The President has said that he will send us a clean air bill. That itself is a milestone because, after 8 years of inaction we have an administration which recognizes that we are facing a real threat from our air. The test however, will be whether the administration bill is a strong one, that will move us forward along the difficult and complicated path before us. If it is, then we can cooperate on the critical task of cleaning our air so that we, and our families can live healthier and longer lives.

Mr. WIRTH. Mr. President, I join with my colleagues in thanking the distinguished majority leader, the chairman of the Environment Committee, Mr. BURDICK, and the chairman of the Environmental Protection Subcommittee, Mr. BAUCUS for their comments today on the vital importance of advancing clean air legislation this year.

Although we fell disappointingly short of an agreement on a clean air agreement last year, Senator MITCHELL and other Senators put forth a tremendous effort to forge a compromise in an enormously difficult situation. I am greatly encouraged that the leadership will be making achievement of clean air legislation a major priority for 1989.

As the majority leader and several of my colleagues have pointed out ahead of me today, we have very significant problems with ozone depletion and carbon monoxide pollution in cities all across the United States, from the famous smog of Los Angeles to the brown cloud of Denver.

There are three principal air pollution problems in Colorado and across the Nation:

The first is carbon monoxide pollution, which is a serious problem in high-altitude cities across the West.

The second is ozone pollution. Ozone, which is formed by the interaction of nitrogen oxides and hydrocarbons in the atmosphere, is a problem that affects many of the Nation's major urban areas. What is of even greater concern is that the EPA already has determined that the current ozone standard provides little, if any, margin of safety.

And third, dozens of cities and towns across the country are trying to find ways to reduce particulate pollution, which can cause very serious health risks.

The Environmental Protection Agency reported earlier this month that the Nation suffered the worst pollution of the decade last summer. About two-thirds of the more than 300 monitoring stations posted higher levels of ozone pollution in 1988 than in any other summer this decade, according to the EPA's preliminary findings.

Another EPA study recently found that 15 million more people were subjected to unhealthy air in 1988 than in 1987, bringing the total to 150 million Americans who live in areas with higher levels of ozone or carbon monoxide pollution than what is considered safe.

Air pollution can also have disastrous effects on agriculture. A third EPA study suggests that high ozone levels can reduce grain crop yields by as much as 30 percent. The cost to farmers is estimated at between $2.5 billion and $3 billion a year. High ozone concentrations are common in rural areas downwind from large polluted cities.

These problems are first and foremost caused by the automobile and the pollutants emitted by automobile engines: carbon monoxide and nitrogen oxide. We know that the technology is available and affordable to control emissions from mobile sources. We know how to lower the nitrogen oxide standard and the carbon monoxide standard. We know how to test these automobiles so they are able to meet tough standards for the life of the automobile or 100,000 miles.

The question is: When will we find the political will to assure that automobiles, light trucks and diesels meet the standards necessary to protect the health of the American public?

If we look at the longer term problem of global warming, the urgency for action becomes even more acute. Today around the globe, there are 300 million automobiles. Shortly into the 21st century, there will be 1 billion automobiles. Those automobiles are adding significantly day in and day out to the pollution of the air, and to the phenomena of global warming.

As a nation, we cannot afford to delay action on these air pollution problems one day longer. Carbon monoxide, ozone, and particulates all pose very serious risks to the health of literally millions of people. The time for action has come. I believe that there are several specific actions we must take to clean up air pollution in the West's high-altitude towns and cities, as well as in the Nation's major urban areas.

First, to reduce both carbon monoxide and ozone pollution, we should require that auto manufacturers stand behind the pollution-control equipment they install on cars and light trucks. We should insist that vehicles meet current emission standards for the life of that vehicle—for 10 years or 100,000 miles. The Colorado Department of Health has told me that this one measure would do more to clean the air in the Denver metro area than any other single piece of legislation.

Beyond that, we should reduce the amount of pollution spewed from the tailpipes of new cars and trucks. For example, many cars emit far more carbon monoxide when the engines are cold than when the engines and pollution control equipment have warmed up. This one loophole in existing law is causing air pollution problems in cities as diverse as Anchorage and Denver, and we should close that loophole.

Another loophole we should close is the one that permits light trucks sold at high altitude cities to meet a much weaker carbon monoxide emission standard than other light duty trucks. The engines in these trucks are identical to engines in many small cars—and all of them could meet the same standard with only a small modification in the onboard computers. We should make sure that loophole gets closed so that the people of Denver can breathe easier.

In addition, EPA several years ago stopped doing in-use testing for cars and trucks that are used at high altitudes. That means we just don't know whether cars are even meeting the existing standards. We should make sure that EPA restarts its high-altitude testing program so that we can make sure that cars meet the air pollution standards while the cars are on the road, not just while the cars are in the lab.

Mr. President, these are the most important steps we must take to reduce carbon monoxide pollution. In the areas of ozone pollution, it is important that we strengthen emission standards for nitrogen oxides. The same is true of particulate emissions—since buses and trucks are major sources of small particulate pollution, it is very important that we clean up these sources and search for alternative fuels for these vehicles.

Mr. President, reauthorizing and strengthening the Clean Air Act must be one of our top priorities this year, and I am delighted the majority leader and Environment Committee leadership have underscored today their commitment to advancing this vital legislation.

Mr. HUMPHREY. Mr. President, once again, members of the Environment and Public Works Committee are on the floor talking about clean air legislation. It is a disturbingly familiar refrain of dirty air, sick children, sterile lakes, and dead trees. I am disappointed and embarrassed that Congress has been unable, or unwilling, to enact legislation to reduce pollutants which damage our environment and threaten our health.

Four years ago, New Hampshire enacted a law requiring a reduction in emissions of acid rain precursors in an attempt to slow the degradation which is poisoning the lakes and contributing to the decline of the red spruce and other trees in the White Mountains. My constituents join a chorus of citizens throughout the country who beseech their Congressmen to enact strong air pollution controls.

Congress must take action against acid rain and other air pollutants. Given President Bush's support and the majority leader's commitment to effecting acid rain controls, I believe we can navigate the sea of factionalism and special interests which has impeded enactment of legislation to reduce acid rain. We must work together to create legislation which can withstand political and regional pressures.

Mr. President, first and foremost, legislation must require a significant

reduction in the emission and transport of sulfur dioxide and oxides of nitrogen which create the acid deposition damaging the environment and increasing public health risks. We have the ability to reduce emissions now. I will continue to support legislation which results in achievement of immediate emission reductions while allowing a longer timeframe for achieving larger reductions upwards of 10 million tons of SO_2 per year.

I believe that free choice of reduction strategy and use of conservation are essential elements of acid rain legislation. In requiring that they achieve stringent aggregate levels of emissions reduction, we should allow States flexibility to create a least-cost control strategy which fits their particular needs. For, in order to overcome the disparate regional interests and enact strong legislation which adequately reduces harmful pollutants, we must seek to minimize costs.

Incentives should be provided for use of conservation to achieve emission reduction goals. Use of conservation simultaneously decreases emissions, costs, and dependence on imported sources of energy. Conservation measures are superior to other control strategies in that they reduce emissions of other pollutants such as carbon dioxide which contribute to the greenhouse effect.

Mr. President, as a member of the Environment and Public Works Committee, I will be working hard to sort out the complexities and enact comprehensive legislation to improve and refine the outdated Clean Air Act. I look forward to working with the other members of the committee and urge my colleagues to join our efforts to reduce the harmful effects of acid rain and other air pollutants.

Mr. JEFFORDS. Mr. President, I appreciate this opportunity to join the committee leaders in announcing this timetable for bringing Clean Air Act amendments to the floor of the Senate for consideration.

Like others who have spoken here before me, I look forward to a fair and timely resolution of the many issues that have stalled passage of a bill to renew the now-expired Clean Air Act. The people in my home State of Vermont have a hard time understanding our difficulties in enacting a bill to strip the air and clouds of the sulfur and nitrogen oxide that continue to cause visible damage to our lakes and forests. Today we state that we will address this concern.

Clearly acid rain is Vermont's biggest concern, but this committee bill will go much further than that. It shouldn't take another summer like last year's to convince Members that changes in the current law are warranted.

While we can appreciate the progress accomplished by the 1972 bill and the 1977 amendments, we must realize that increases in fuel consumption, power generation, and industrial activity have offset a substantial portion of the gains realized by mandated standards and design improvements.

The goal of this committee is to put in place the necessary legislation to guarantee healthy air for all of America, and to do so in the most cost effective manner possible. Recognizing past gains, we must finish the job of cleaning the air for future generations.

No one who is witnessing these announcements by the committee leaders should think that today marks a beginning. If anything, today's announcements signal the bell lap for clean air legislation. A large community, including legislators, researchers, and environmental and industry leaders, has labored long and hard to bring us to this point today. This Senate Environment Committee, including past and present members, has logged countless hours seeking to describe the right mix of remedies for the pending malady. Even as the process continues daily, today we set a goal for completion.

I think it is important to realize that not only will the health of air in the United States be improved by passage of an effective clean air amendments bill, but other nations facing similar, or even much worse, problems will benefit by our action. New legislation will spur new techniques and technologies that can be shared with the rest of the world.

The environment can no longer be viewed in local or national terms. We face problems that recognize no political boundaries; problems whose solutions require international cooperation.

By proving to the rest of the world that we can fix our toughest national problems, we will gain a measure of respect that will prove invaluable in addressing difficult global problems. It is arrogant for this country to assume that any other nation will attend to our suggestions for its policies if we are unable to amend our own.

Passage of a Clean Air Act amendments bill is crucial for us, as legislators, to guarantee clean air for our citizens. It is a vital first step that we, as Americans, must take to be credible participants in discussions to solve global dilemmas that loom even larger.

Thank you, Mr. President.

Mr. DURENBERGER. Mr. President, I ask unanimous consent to proceed for 5 minutes.

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

CLEAN AIR LEGISLATION

Mr. DURENBERGER. Mr. President, I want to begin by saying how much I appreciate the schedule which the Senator from Montana [Mr. BAUCUS] has outlined. It clearly demonstrates that Clean Air legislation will be a high priority in this Congress. It gives us the opportunity to craft good legislation after wide consultation with affected interests and elected officials from all regions of the country. Starting with a commitment to listen to the broadest expression of concern on these very complex questions is in my view the wisest course.

Acid rain has been of major concern to my constituents in Minnesota for most of this decade. The northeastern portion of our State which contains some of the most beautiful wilderness resources in the Nation is an area extremely sensitive to acid deposition. So Minnesota, acting on its own, has already established an aggressive program to reduce the pollutants which can cause damage to our lakes and forests.

Sulfur dioxide and nitrogen oxides, the two pollutants which cause the acid rain problem, are propelled into the atmosphere by smokestacks and tailpipes all across America. The yearly loading for each of these pollutants is approximately 20 million tons. The sulfur dioxide comes principally from electric powerplants burning coal. The nitrogen dioxides are about half from industry and half from our cars and trucks.

These pollutants can travel hundreds of miles from their point of release to the place where they affect the environment. Tall smokestacks designed to protect public health in areas close to powerplants have made these pollutants a major issue on a continental scale. It is the issue that divides us most frequently from our best friend in the community of nations. The sensitive resources of our Canadian friends to the north are being ravaged by pollutants produced in our industrial heartland.

As we all know, acid rain is an issue which excites sharp regional passions. The Northeast is the area of the country which suffers most of the damage. The industrial Midwest mines and burns the high sulfur coal which is causing most of the damage. And the West has abundant supplies of low sulfur coal which it would very much like to sell as part of the solution. That mix of interests has meant deadlock here in the Congress for almost a decade.

As I have said, Minnesota has had an aggressive acid rain control program in place for a number of years. Our consumers have spent hundreds of millions of dollars to purchase scrubbers for our powerplants and low sulfur coal as a fuel. But we are also willing to make some further contribution to solving this national problem, if we can. I believe that Minnesotans would support a subsidy for the very high cost of cleaning up powerplants

in the Midwest. The people of my State would be willing to pay a fee that was reasonable and gave them some credit for their past efforts, if that fee could break the acid rain deadlock here in the Congress.

In the past I have sponsored acid rain bills which included a tax on sulfur dioxide and nitrogen oxide emissions. The revenues from these fees were to be placed in a national trust fund to be used to offset a substantial portion of the capital cost for reducing acid rain. My Minnesota colleague, Congressman GERRY SIKORSKI, has been the primary author of bills in the House which would impose a fee on electricity use to provide revenue for an acid rain control subsidy. I continue to believe that some form of subsidy will be a necessary part of any strong acid rain bill.

Clean air legislation must also address the difficult problem of nonattainment. Under the Clean Air Act, EPA has set standards to protect the public health from a handful of pollutants which cause a widespread threat. These are pollutants like sulfur dioxide and nitrogen oxides. Standards have also been set for ozone—which to most people is smog—and carbon monoxide—a pollutant which comes principally from the tailpipe of cars. These are city problems, generally. More than 100 million Americans live in cities which do not meet the Federal health standards for smog and carbon monoxide.

Back in 1970 when the Clean Air Act was passed, two strategies were developed for smog and carbon monoxide. Since much of the problem is attributable to cars and trucks, EPA was to set air pollution standards for vehicles. And the second part of strategy relied on the States to develop plans for controlling emissions from industrial sources in areas where the standards were being exceeded.

The Federal Motor Vehicle Control Program—as the strategy for cars and trucks is called—has been a great success. Carbon monoxide emissions from the tailpipes of new cars are about 90 percent lower than emissions from cars that were manufactured in 1970. Hydrocarbon emissions—that is generally gasoline vapors—which are the primary element in smog formation have also been reduced by about 90 percent. Another pollutant contributing to smog—the nitrogen oxides—have also been reduced by about 75 percent. As we prepare to review the Clean Air Act, I think we must keep in mind how much progress has actually been made in controlling emissions from the automobile.

There is more that can be done, of course. One of the difficult remaining problems on carbon monoxide is high emissions during the cold weather months. Minneapolis and St. Paul, as one might expect, have a cold weather carbon monoxide problem and are in nonattainment for this pollutant. Engines and pollution control systems just don't function as effectively when the car is started on a cold winter morning. There is no reason to believe that modifications in auto pollution control can be made which will contribute to a further substantial reduction in the carbon monoxide nonattainment problem.

On the ozone side, the biggest difference we can make in the motor vehicle contribution to the air pollution problem is a matter of the fuel rather than the car itself. Gasoline is not a simple compound. It is made up of many different chemical elements. And the mix has changed over the years. As oil markets changed some chemicals available in abundant amounts have become much cheaper than others. For instance, butane is much cheaper than gasoline and can be added to gasoline in large quantities without greatly reducing the performance of the fuel. But butane—as everyone who has flicked a Bic lighter knows—produces much more vapor than gasoline. As oil refiners have added butane to motor fuels, more hydrocarbon vapors have been released to the atmosphere to cause smog and other pollution problems. Controlling the quality of the fuel—a quality called vapor pressure—must be an essential element of our ozone program.

So, we have made great strides on the mobile source side of the nonattainment question, but more can be done. The same cannot be said for the other half of this process, the State planning effort. The original 1970 statute gave the States 3 years to write and implement plans that would assure attainment of the public health standards. When large numbers of areas still had not attained healthy air by 1977, the Congress enacted sweeping amendments to the law that gave States up to 10 more years, to December 1987. That deadline has now passed and the failure to meet standards is still a critical problem in dozens of cities. We have made some progress. The number of days when the air is unhealthy have been fewer in this decade. For many of the cities with the worst population problem, the highest levels of pollution have been brought down dramatically. And a substantial number of cities have actually attained the ozone and carbon monoxide standards.

But these modest successes are not the major theme in this story. Anyone making an objective report on the State planning process of the Clean Air Act must say that the efforts have largely failed to produce results. Many of the control strategies promised in State implementation plans have never been implemented or were implemented in only a half-hearted way. After dozens of cities missed a 1982 deadline, EPA attempted to impose sanctions and was forced to back down by the Congress. All of these cities were required to submit new SIP's, but EPA has never reviewed them. Ironically, the only cities which are now being sanctioned are those who refused to cheat in the planning process at an earlier stage. And now that the final deadline has passed, it is pretty clear that EPA has no legal authority to proceed in any reasonable way to make further progress on the ozone and carbon monoxide nonattainment problem. This is a program that is broke.

And simply repeating the same old cycle one more time—even if we all promise to be serious this time—is not going to solve the problem. To some extent the planning process invites failure. A State implementation plan is a promise to achieve a healthy air quality at some distant date 5 or 10 years in the future. To support the promise the plan must make all sorts of assumptions. Emissions of air pollutants must be projected years into the future. Planners tend to underestimate growth so that emissions will be lower. If emissions are too high to project attainment, control strategies must be proposed. Planners tend to greatly overestimate the efficacy of these control strategies. And the promised strategies must be implemented. Politicians find ways to delay and deflect these control strategies when the time for implementation arrives.

I suppose that with enough resources for oversight, we could make this process honest. We could force this process to produce SIP's that were realistic. But those resources aren't in sight. I believe that fundamental reforms in the process might be more promising. One of the avenues which deserves serious exploration is the proposal made by EPA in its post-1987 nonattainment strategy. Rather than require a demonstration of attainment at some distant point, EPA's strategy relied primarily on an annual percentage reduction in the emissions of pollutants which are causing nonattainment. A percentage reduction requirement ties the whole process to an emissions inventory which is more tangible than the models of future air quality which have been at the heart of the planning process in the past.

The third major issue in this legislation is toxic air pollutants. Most of the air toxics discussion focuses on cancer. EPA estimates that something like 2,500 cancers are caused each year in the United States as the result of toxic air emissions.

Well, you might say that is a relatively small problem compared to other environmental risks or health problems which result from careless

lifestyles; 2,500 cancers in a population of 250 million is a 1-in-100,000 risk which to some is an acceptable price to pay for an industrial society. And if the risks were spread evenly among the whole of the population with each of us bearing an equally small portion, perhaps air toxics wouldn't be on the congressional agenda.

But risks are not spread evenly. Those living near point sources of industrial emissions may face very high cancer risks. The 1 in 1,000 or even 1 in 100 are typical risks for those persons who experience maximum exposure to various categories of industrial emissions. For one pollutant, butadiene, the risks at some sites are by EPA's projections 3 in 10; that is there will be 3 excess cancers for every 10 people maximally exposed at these sites. That's simply not an acceptable price whatever the benefits of this particular chemical.

Risks can also be elevated as the result of the urban soup of pollutants that some Americans are forced to breathe. A recent report by a California air pollution control agency indicates that the excess cancer risk from benzene pollution in Los Angeles County—this is just one pollutant, benzene—is 1 in 1,000. In the whole basin air toxics are projected to cause 222 additional cancer cases per year. So it's not just the national cancer incidence that is of concern. It is also the high risks faced by those individuals who experience extraordinary exposures in some communities.

And, of course, it is not only cancer. Many of the air toxics, especially the metals, can lead to other adverse health effects. And in recent months we have become aware of the environmental effects of these pollutants. The most dramatic evidence of damage is coming out of my region of the country, the Great Lakes. It is estimated that 80 percent of the toxics loading to Lake Superior is air deposition and that even for Lake Michigan—whose problems we normally associate with industrial discharges to rivers and tributaries—50 percent of the toxics are from air deposition. There is an isolated lake called Siskiwit on an island in Lake Superior that shows significant contamination from PCB's and toxaphene which could only have come as the result of air pollutant.

That's the continuous and routine emission side of the air toxics problem. These emissions occur every day—day after day. But we have also been awakened to the problem of sudden, catastrophic releases as the result of the tragedy in Bhopal and a series of chemical accidents here in the United States.

Again, I'll start with some EPA statistics. The agency keeps something called the acute hazards events data base which recorded 6,928 chemical accidents between 1980 and 1985. These accidents killed 138, injured another 4,717 and forced the evacuation of 217,000. EPA thinks the data captures about half the problem. These accidents resulted in the release of 420 million pounds of air toxics.

So here's a summary of the problem. A background cancer risk of 1 in 100,000 from the few dozen air toxics EPA has studied, dramatically higher risks for some portion of the population, noncancer effects, growing evidence of environmental damage, and an increasing number of catastrophic events which cause immediate death and injury and release large quantities of toxic pollutants.

Now the second part of the picture. What's EPA been doing about all of this? I want to say upfront that EPA is poorly equipped to address the problem of hazardous air pollutants. The law they have to work with, principally section 112 of the Clean Air Act, is not adequate to do the job. In a very few words it creates a fundamental dilemma which all of our very best thinkers, including Robert Bork on two different occasions, have been unable to successfully resolve. Section 112 requires EPA to protect public health from air toxics with an ample margin of safety. However, air toxics are mostly carcinogens and for carcinogens there is no safe level of exposure. It is generally impossible to completely prevent emissions and thus, to the extent we wish to continue enjoying the benefits of many chemicals, the mandate of section 112 cannot be fulfilled.

Whoever is to blame, there can be no doubt that the record is dismal. In 18 years, EPA has listed 8 pollutants. During that same period of time, the handful of States which have air toxics programs have been able to write standards of one type or another for 700 and 8 different pollutants. They are not all rigorous standards but it suggests the size of the chasm which yawns between the problem and the solution here at the Federal level.

On the question of routine and continuous emissions of air toxics, some of us have proposed legislation which would shift the focus from the health-based standard of the current section 112 to a technology-based standard as is used in other parts of the Clean Air Act and in the Clean Water Act. Major sources—that is big chemical plants, oil refineries and similar sources—of toxic air pollutants would have to install the best available control technology to prevent pollution.

To deal with the problem of accidental releases, we are proposing to borrow an institution which has worked well in the transportation field, that is the National Transportation Safety Board which investigates each airline or public transportation accident which results in a death. Legislation which we considered last year included a chemical safety board which would investigate chemical accidents and make recommendations to EPA on steps which could be taken to reduce the risk of catastrophic accidents.

KITTY GAMBLE

Mr. DURENBERGER. Mr. President, today is an important day in the life of my organization and the people of Minnesota. It marks the end of a distinguished career of one of the Senate's most devoted workers, Mrs. Kitty Gamble, my Minnesota chief of staff.

It was 30 years ago this month that my association with Kitty began. Her father, Fallon Kelly, was asked by President Eisenhower to be the U.S. attorney for Minnesota.

That left an empty chair in the South St. Paul law firm of LeVander, Gillen, and Miller. As a new graduate of law school, I filled that seat.

When Harold LeVander was elected Governor of Minnesota 7 years later he brought me along as executive director, and I received my exposure to public service from the inside.

Kitty's father gave me my "break," and she helped me make the most of it. In my first two campaigns for the Senate in 1978 and 1982, Kitty Gamble was a key player in the operation.

They say that an army marches on its stomach. Well my experience tells me that a campaign moves on the backs of its volunteers. That was Kitty's job, building a work force of people who wanted to make a difference by getting involved in political campaigns.

She did an outstanding job, and consequently I am here to tell about it. In 1983, Kitty became my Minnesota staff director after the sudden death of George Theiss. She has served with incredible energy, constancy and skill every single day since that time.

Kitty came to my office from a career in public health nursing. She has had almost a second career in volunteer work and has made an outstanding contribution to the United Way of Minnesota.

She and her husband, Bill Gamble, have also raised an outstanding family of four children, Kathy, Molly, Jimmy, and Scott.

Mr. President, as Senators, we have the opportunity to work with a lot of people, at various levels. They ease our burdens, advance our agendas and provide help to people where we can't. It is a unique person about whom you can say "They always give their best."

Mr. President, Kitty Gamble always gave me, the Senate, and the people of Minnesota her very best. It has been an honor to be associated with her and an inspiration to work alongside a

person who holds the banner of personal and public service so high.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. LAUTENBERG. Thank you, Mr. President.

THE CLEAN AIR ACT

Mr. LAUTENBERG. Mr. President, I welcome the opportunity to join my colleagues in urging that the Senate act on the Clean Air Act.

I also commend my colleagues on the Environment Committee, including the Senator from Minnesota, Mr. DURENBERGER, with whom I have worked very closely on a section called air toxics.

I also want to compliment the chairman of the subcommittee, the Senator from Montana, Mr. BAUCUS, for moving on this very important legislation.

President Bush has said that there is a new breeze blowing in the country. Mr. President, the American people want to know that this breeze contains air which is safe to breathe, which does not harm trees, lakes and coastal waters and which doesn't pose a threat of a Bhopal type accident in the United States.

The Clean Air Act authorization expired in 1981 and the Congress has not reauthorized, and more importantly strengthened the act. This is primarily the fault of the Reagan administration which first tried to weaken the act and when that failed, opposed every effort to strengthen the act.

To his credit, President Bush has promised to present the Congress with clear air legislation. This is a major advance over the Reagan administration position, and one that makes me optimistic that we will be able to enact clean air legislation. If the President delivers a reasonable bill, he will find a Congress willing to work closely with him.

Mr. President, the time to pass a strong clean air bill is long overdue. Over 100 million people live in areas that exceed the existing ozone standard and almost 30 million live in areas that fail to meet the carbon monoxide standard. This, even though the standards were supposed to be achieved by 1977. Violations of the ozone health standard can result in lung function impairment and adverse effects on crops, forests, and materials. Carbon monoxide violations can result in reduced work capacity and fetal effects.

In 1988 in New Jersey, the ozone standard was violated 45 days, the highest number of violations in 5 years, with levels over 66 percent higher than the ozone standard. And this despite having some of the toughest air pollution controls in the Nation. We need to enact legislation with tougher requirements and which require pollution control in States contributing to standard violations in other States like New Jersey.

We also need to reduce emissions of pollutants which cause acid deposition. Acid rain has adverse effects on visibility, materials, pollution of lakes and streams and coastal areas, trees and crops.

Rain in New Jersey has been measured at levels at least 70 to 80 times more acidic than natural rain. New Jersey streams and lakes are vulnerable to continued acid deposition.

In addition, acid rain has been linked to elevated levels of nitrogen in coastal waters resulting in a loss of oxygen in the water and long-term decline of marine life. EPA is doing little to address this problem. I added language to the fiscal year 1989 HUD independent agency appropriation report requiring EPA to develop a plan by June 1, 1989, to research and monitor the role of atmospheric deposition in coastal waters.

Finally, we need to address toxic air pollutants. Toxic air pollutants presents one of the most serious threats to human health. An EPA study of just 20 toxic air pollutants concluded that these pollutants resulted in 1,700 to 2,000 cancer cases a year. EPA's own 1987 comparative analysis of risks concluded that toxic air pollutants posed a high risk of cancer and noncancer health risks when compared to other sources of pollution. Air toxics also are increasingly believed to be a cause of environmental contamination including coastal pollution.

Yet, since the Clean Air Act was first enacted in 1970, EPA has regulated just seven pollutants. It is clear that the existing regulatory system is inadequate. And as air toxics emissions data becomes available under the right-to-know legislation, the public is going to demand action to reduce this pollution.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be given such time to complete this statement and another one that follows, not to exceed 7 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, reserving the right to object, did the Senator mean 7 additional minutes?

Mr. LAUTENBERG. Seven additional minutes.

In response to the Senator from New Mexico, I did ask the majority leader if he was compelled to cut off at 4 o'clock. He assured me that any statements that must be made, we will have the time to do so, and that 4 o'clock, as I understood him—the Senator would have to get that from him directly—is flexible.

Mr. DOMENICI. I am not worried about 4 o'clock. I want to know more or less when I might be doing mine.

I have no objection.

The PRESIDING OFFICER. The Senator may continue.

Mr. LAUTENBERG. Mr. President, we need to be concerned about catastrophic accidents involving toxic pollutants, not just routine emissions. EPA says that there have been over 11,000 accidents in the 1980's resulting in roughly 11,000 injuries and 309 deaths.

The right-to-know legislation, which I authored, partially addresses this problem by requiring industry to make information available to communities which can then plan for emergencies. But the record of accidents in the United States makes it clear that more needs to be done to protect the public from accidents like which occured in Bhopal.

Mr. President, we need to act now. I plan to do my share to see that clean air legislation is passed expeditiously.

THE NOMINATION OF JOHN G. TOWER TO BE SECRETARY OF DEFENSE

Mr. LAUTENBERG. Mr. President, I would like to take the remainder of my time to address another subject, one which we heard about substantially from the Republican leader when he admonished us not to look at the files available in S. 407 from the FBI and remind us that the majority report that we saw up there alongside the FBI report was in fact only a majority report and did not reflect the views of the minority nor was it a complete committee report.

The staff up there was very explicit. They said this is a report from the majority membership on the Armed Services Committee and in no way suggested or intimated that it might reflect the opinions of all. So we were appropriately cautioned as we looked at those documents.

Mr. President, I plan to vote against the nomination of John Tower to be Secretary of Defense. The FBI report, which I read yesterday, confirmed my initial misgivings about his nomination. After reviewing the body of evidence, including the hearings of the Senate Armed Services Committee, I cannot vote to confirm.

In my mind, there is no doubt that Senator Tower has the knowledge of defense and the intellectual capacity to fill this post. Those qualifications are not at issue here. However, the concerns about Tower's past behavior—from a serious drinking problem to conflict of interest stemming from his past relationships with defense contractors, have raised sufficient doubts in my mind about Senator

Tower's fitness to serve that I cannot vote for his nomination.

Some may argue that any doubts about Tower's nomination must be resolved in favor of confirming the President's choice. I disagree. Any doubts must be resolved in favor of our national security. They must be resolved in favor of the best interests of the American people and of our Nation. Under article II of the Constitution, the Senate has a responsibility independent of the President's to judge the fitness of Cabinet nominees. Because of that responsibility, the Senate is held in some measure responsible for the performance of a nominee to whom they have given consent. We cannot be a rubberstamp for the President's choice.

In matters of national security, the Senate's responsibility to scrutinize the President's choice is especially heavy. The Secretary of Defense holds the fate of our fighting men and women, our Nation, and possibly the globe in his or her hands. He is directly under the President in the chain of command. He will be called upon to advise the President in times of national crisis—when our men have been attacked, our planes shot down, when American hostages are taken. He must make decisions at all times of the day or night, often with little time and even less information.

The Secretary must have a clear head to carry out these responsibilities. He holds the security of our Nation in his hands. Those hands must be steady at the helm. I do not believe that John Tower meets those standards. The issue of his past alcohol use weighs more heavily on my mind than his future promises of sobriety, as sincere as they may be. We cannot afford to base our Nation's security on the hope that someone with a history of problems with alcohol will be able to resist that temptation in the future.

Further, the next Secretary of Defense faces the daunting task of cleaning up our defense procurement system and restoring the faith of the American people in our Defense Department. He must make tough decisions about how to do more for our national defense while spending less. Those decisions may at times run counter to the best interests of some defense contractors, who depend on a particular weapon system for the bulk of their business.

The Secretary of Defense must be able to exercise sound judgment on these issues and resist pressures based on past loyalties or future opportunities. John Tower's extensive past associations with defense contractors raise the question of whether he possesses the objectivity to carry out these tasks. In addition, his acceptance of lucrative consulting work from defense contractors immediately after resigning from the U.S. arms control delegations in Geneva also raises concerns about his judgment and his sensitivity to the appearance of impropriety.

In view of the high standard to which we must hold the Secretary of Defense, and my continued misgivings about Senator Tower's ability to meet that standard, I will vote no on his nomination.

PROGRESS ON S. 335, MEDICARE CATASTROPHIC COVERAGE REVISION ACT OF 1989

Mr. McCAIN. Mr. President, on February 2, I introduced legislation—S. 335—to delay implementation of some of the provisions in the Medicare Catastrophic Coverage Act in order to permit Congress ample time to revisit the act to determine what, if any, changes ought to be made to the act.

I have come to the floor this afternoon to briefly discuss my rationale for offering S. 335, and to discuss the recent backing of this legislation by the "Coalition for Affordable Health Care."

As I stated when I introduced S. 335, the adoption of the Medicare Catastrophic Coverage Act of 1988 has raised a firestorm among our Nation's senior citizens.

ACT DOES NOT PROTECT FROM GREATEST NEED

That act began as a proposal to provide Medicare beneficiaries with coverage of long-term hospitalizations. It was greatly expanded to include coverage of everything from mammography screening to out-patient prescription drug coverage. With this expansion of benefits, came a dramatic increase in the cost of the package for our Nation's seniors.

While the original package only required a nominal increase in the monthly Medicare part B premium, and was optional, the final package included a flat increase in the monthly Medicare part B premium in addition to a requirement that all seniors—with over $150 in Federal tax liability—pay a surtax, regardless of whether they need or want the coverage.

Yet, Mr. President, after all was said and done, the act failed to provide protection from the greatest catastrophic health concern of our Nation's seniors—the financial ravages of an illness requiring long-term care.

As I have spoken with seniors about the act, and read the letters they are sending me—still numbering several hundred per week, I have found many seniors to be shocked or angered at discovering that the act does not even begin to address long-term care.

WHAT CONTRIBUTED TO FIRESTORM AMONG SENIORS

In my opinion, several things have contributed to the firestorm that has erupted among our Nation's seniors.

First, given the great need for protection from the financial ravages of long-term care services, the title of the act—the Medicare Catastrophic Coverage Act of 1989—is somewhat misleading. For many seniors, the title evoked certain images in seniors' minds about what would be covered. Seniors thought of health services needed for such illnesses, or maladies, as Alzheimer's disease, a stroke, or the breaking of a hip. Yet, Mr. President, all of these require long-term care services in one form or another. And, seniors found that, for the most part, they will not receive such coverage through this act.

It is with good reason that the greatest fear of older Americans in the health care area is the expense of long-term care services.

By the time you hit 65, you stand a 50 percent chance of entering a nursing home during the remaining period of your life. And, with the cost of a year's stay in a nursing home ranging from $22,000–$35,000, all but the most affluent elderly can be bankrupted. It is alarming that close to 90 percent of single older Americans become impoverished within a year after they enter a nursing home, as a result of the financial burden of the cost of care.

While many of the benefits in the Medicare Catastrophic Coverage Act are available—in one form or another—in the private sector, at a fairly reasonable cost, the same is not true for long-term care. There are a number of policies available in the private market that cover nursing home services, but the price of real protection is very high. According to a May 1988 Consumer Reports analysis, the cost to a 65-year-old for an average plan offering real protection is $1,200 a year and up, and $3,500 and up if purchased at age 35. A study by the Brookings Institution, last year, echoed these findings.

While I may differ with Congressman CLAUDE PEPPER as to what form public sector coverage of long-term care services should take, he was right when he said—"protection from long-term care costs is the most important catastrophic illness protection need in the eyes of our Nation's seniors."

The second thing that has contributed to the firestorm is that the act mandates that all seniors—with tax liability in excess of $150—contribute to financing the benefit, regardless of whether they need or want the coverage.

And, third, the expense of the act for our Nation's seniors is going to make it exceedingly difficult for Congress to provide any meaningful public sector coverage of long-term care services, without putting the bulk of the cost on the shoulders of the nonelderly. Seniors realize this, and it concerns them greatly.

29-059 O-90-5 (Pt. 3)

POSITION ON FINANCING

At this point, I would like to take a moment to explain my position regarding the financing of catastrophic illness protection benefits for the elderly.

In my opinion, the cost of any new catastrophic illness benefits ought to be borne by the senior population. The Federal budget deficit situation, and the relative wealth of the senior population—as compared with other age-groups—dictates that this be the case. That was the premise of the act we passed last year, and it is a sound premise.

I think not only do the majority of my colleagues agree with this position, but the senior population do as well. It appears, however, that two things must be true in order for a package to receive the support of seniors.

First, the benefits offered must address their true catastrophic needs.

And, second, the financing must be equitable, and must have some provision for those who are least well off financially.

To varying degrees, I think seniors view the act as having failed in both regards.

LETTERS FROM SENIORS

I would like to read from a couple of the 50 or so letters I received one day last week—letters which are representative of the mail I have been receiving to date regarding the act.

A gentleman from Sun City wrote me:

Senior Citizens' Catastrophic Health Protection—a catastrophe in itself.

First, this "solution" doesn't touch the big bugaboo that concerns our aging senior citizens—custodial care for those who just cannot handle the problems of living alone and have no one to turn to for such care without going in to personal bankruptcy.

Lastly, we are advised in the income tax seminars that this premium, assessed as a "surtax" on the income tax, will not be deductible from tax, will not be deductible from tax returns as an insurance premium.

A woman from Cottonwood, AZ, wrote me:

It looks to me that what passed as "catastrophic coverage" has become a catastrophe for the elderly. What we really need is coverage for long term nursing home care. What we got was a prescription drug program that over 80 percent of us cannot qualify for, and a catastrophic cap that 93 percent of us will not qualify for either.

Now we have to pay a surtax of 15 percent that goes up to 25 percent in 1990.

We urge you and your colleagues to take another look at the surtax method of financing as well as at the entire program which does not meet our real needs of long-term care.

A man from Mesa, AZ wrote:

I do volunteer work 4 days a week for the AARP doing tax counseling for the elderly and low-income people. I have yet to find any seniors in favor of the Catastrophic Coverage Act. I live in an adult trailer park of all retired seniors on Social Security. At a recent park meeting, not one person said they were in favor of the Act. The same is true with all others we have talked to, including people we prepare income taxes for.

Although most of us answered "yes" on questionaires about the bill, they did not expect to get this. It does not even cover custodial or intermediate care.

A woman from Tucson, AZ wrote me:

The new catastrophic health care program is a disaster. Instead of easing the health care burden on the elderly, it increases their burden.

For example, the Medicare gap insurance premiums have been increased; whereas, the elderly were told that since Medicare coverage has been increased the gap insurance premiums would be lowered. What has happened? Most of us still need gap coverage, and we got increases in both Medicare premiums and gap insurance premiums.

A man from Florence, AZ, wrote me:

I am not opposed to Medicare benefits simply because they cost me money. For example, although I would not need to participate, I would be willing to see my Medicare dollars go toward long-term custodial or nursing home care (which, of course, is not covered under the "Catastrophic Coverage Act").

Of the 9,000 or so letters I have received since the enactment of the law, less than 10 have been in favor of the act.

A recent meeting of a local chapter of the AARP in my home State of Arizona provides another vivid example of how seniors feel about the act. Following the showing of a film that's been produced to defend the "Catastrophic Coverage Act," the president of the chapter called on its 200 or so members present to raise their hands if they supported the act. Only two hands were raised.

PETER IS WILLING TO PAY FOR PETER'S BENEFITS

With regard to the concern that seniors are expressing about the act—particularly, the financing—I have heard some of my colleagues say:

What we have is a bunch of wealthy seniors who are upset because we are finally making Peter pay for Peter's benefits, and they don't like it.

Well, from what I have been hearing from seniors, Peter is willing to pay for Peter's benefits. That is, provided that they are the benefits Peter feels he really needs.

It is in an effort to permit us the time to remedy this situation, and to determine whether indeed some changes ought to be made to the act, that I offered S. 335, the "Medicare Catastrophic Coverage Revision Act of 1989."

MY HISTORY WITH ISSUE

I do not come to this issue as one who is opposed to providing seniors with some protection from the financial ravages of a catastrophic illness through the public sector.

In fact, in February 1987 I joined Senator DOLE and others in introducing the original catastrophic illness protection legislation. This legislation would have added—for a nominal additional flat premium for Medicare beneficiaries—a long-term hospitalization benefit to the pool of benefits available through the Medicare Program. While some argued this legislation was not comprehensive enough, I felt it was a good start at addressing the catastrophic health care protection needs of our Nation's seniors.

In October 1987, I voted in favor of a more comprehensive piece of legislation aimed at providing seniors with protection from the financial ravages of a catastrophic illness. While it added a drug benefit, and several other benefits, like the original legislation, it did not provide protection from that which seniors feel is their greatest health care protection need—protection from the financial ravages of long-term care. However, because this legislation did not require beneficiaries to pay for the coverage if they chose not to participate in the program, and because of my perception that the proposal enjoyed the support of the vast majority of out Nation's seniors, I voted for it.

But, as this issue was further addressed in the House, I began to sense some growing concern among seniors over the direction that Congress seemed to be moving in this area.

INPUT FROM ARIZONA SENIORS

I decided the only way to get a good handle on what was going on with respect to the views of seniors, was to take this issue directly to the seniors. So, I sent the majority of seniors in Arizona a comprehensive mailing outlining the major provisions of the Senate bill, including the bill's costs. Mr. President, I heard back from over 30,000 senior Arizonans in response to the mailing.

The response was very telling.

Less than 1 out of every 3 of the respondents supported the legislation.

It was the input from seniors in my State who were telling me on a margin of 4-to-1 that the Senate version was not the answer, and major changes in the legislation—such as participation in the financing of the program becoming mandatory, regardless of whether the individual wanted to participate in the program, and that the premiums were not going to be deductible on Federal tax returns as health care costs—that led me to ultimately decide to vote against the final version of the bill. A vote that was very difficult to cast.

PROVISIONS OF S. 335

Mr. President, the legislation I offered on February 2, S. 335, will allow the long-term hospitalization, which has already been implemented to stay on-line.

Second, it will permit the spousal impoverishment protection to come on-line—as currently scheduled—beginning in July 1989. Senator MIKULSKI really deserves the credit for this

provision being included in the act, as she has been tirelessly promoting the need to provide seniors with spousal impoverishment protection. In my opinion, the spousal impoverishment protection is likely the most important provision in the act in terms of addressing a true catastrophic illness protection need.

Third, it will delay implementation of the other benefits in the act for a year.

Fourth, it will delay implementation of the supplemental premiums for a year. This would afford Congress the opportunity to review, through public hearings, whether we indeed have taken the wrong road.

According to the Congressional Budget Office, the flat increase in the Medicare premiums attributable to the act—which was levied on the seniors earlier this year—is sufficient to pay for the benefits that have already been put into place plus the spousal impoverishment benefit. If, as a result of the hearings, it was determined that we should drop the benefits for which implementation had been delayed and do something in the area of long-term care, the flat premium—which is slated to increase to $7.18 by 1993—would not only support the cost of these benefits, it would result in a surplus of $1.16 billion over the next 5 years.

I believe the senior population of this country is willing to pay for a benefit package that provides them with protection from the financial ravages of a catastrophic illness. And, given the high deficits, I believe the only way we can provide additional benefits in this area is if the elderly population at large supports the bulk of the cost. I recognize the concern over the surtax concept. Perhaps, in revisiting the act, we might be able to find a way to achieve the goal of spreading the burden generously across the senior population, without having them actually paying on their tax forms—especially when it is nondeductible. The nondeductibility issue perhaps ought to be looked at as well.

COALITION FOR AFFORDABLE HEALTH CARE BACKS S. 335

It is the contention that the act does not provide seniors with protection from their greatest catastrophic illness fears, and that Congress ought to revisit the act, that led the Coalition for Affordable Health Care, on February 22, to back S. 335.

The coalition is composed of some 31 organizations—some are national groups—such as the National Association of Retired Federal Employees and the Retired Officers Association—and some are State-based seniors groups. They have come together over the common view they share that the "Medicare Catastrophic Coverage Act" does not represent the greatest catastrophic illness protection needs of the Nation's seniors, and that Congress ought to delay implementation of the benefits not already on-line to give Congress the opportunity to revisit that act through public hearings. What struck me most about the coalition is that it represents all ends of the political spectrum.

Here we have a perfect example of strange bedfellows joining together over a common concern. It is not often that you see such a wide diversity of groups working arm-in-arm on an issue. That they would do this ought to be an indication of the widespread level of concern regarding the act.

Mr. President, I would like to have printed for the RECORD a list of the groups in the Coalition for Affordable Health Care.

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

(See exhibit 1.)

Mr. McCAIN. I would like to take a moment to read from the statement that the coalition drafted at the time that they backed S. 335.

The "Coalition for Affordable Health Care" evolved in response to concern voiced by senior citizens that the Medicare Catastrophic law imposes a mandatory surtax while failing to provide coverage for the real health catastrophe they fear—long-term illnesses.

The Coalition believes that the law's spousal impoverishment provision is praiseworthy and the extended hospital coverage valuable. However, we urge Congress to delay implementation of the controversial surtax and further benefits until Congress can reassess the new law.

At its meeting on February 22, the CAHC agreed to focus immediate attention on building bipartisan support for S. 335, legislation introduced by Senator JOHN MCCAIN. The McCain approach does not seek to dismantle the new law, but rather to step back and evaluate whether or not the law truly meets the needs of our nation's seniors. The legislation will afford Congress the opportunity to reevaluate—through public hearings—whether or not Congress missed the mark in designing the present package.

WE MUST REVISIT THE ACT

Mr. President, I strongly believe we have a responsibility to provide the seniors with a package that meets their true needs, particularly since they are paying the bill. And, given that we appear to have not done so, we must revisit the act.

In doing so, it is important that we put implementation of some of the benefits on hold to permit us the opportunity to make any needed changes that may become apparent as a result of the hearings.

I urge my colleagues to look at what their constituents are saying to them about the Catastrophic Illness Coverage Act. I know many of them, as have I, have been hearing from a great many seniors regarding their discontent with where we went with the catastrophic illness legislation. In addition, I would encourage them to look at what the Coalition for Affordable Health Care is saying, and to determine whether the approach this legislation takes would meet the concerns of their State's senior population. Senators WILSON, COCHRAN, GORTON, BOREN and HEFLIN have all done so, and joined on as cosponsors. It is not insignificant that Senators WILSON, COCHRAN, BOREN, and HEFLIN all voted for the bill.

DIFFERENCE BETWEEN S. 335 AND OTHER BILLS

Before closing, I would just like to briefly address the difference between S. 335 and a couple of different approaches that are also out there.

First, a number of proposals would repeal the entire act. I do not believe, as do some, that we should pull down the whole act—as there are certainly some provisions which are truly catastrophic-related. What is more, we may indeed find that—by and large—the seniors of this country would prefer to have all of the provisions in the act rather than see us do something in the way of long-term care.

Second, a couple of proposals that would delay what has not already been implemented and establish a Commission to study whether we should change those portions of the act not already implemented. While I do think we should delay these provisions, in my opinion the spousal impoverishment benefit ranks high on the list of catastrophic illness-related benefits that the seniors want—much to Senator MIKULSKI's credit. In addition, Congress should be in charge of reviewing the act and not duck behind a Commission. I think we owe it to the seniors of this country to take responsibility for what we have done. I do not believe that seniors will hold it against us if we correct our course—given that we were embarking in uncharted waters.

CONCLUSION

I welcome the participation of the "Coalition for Affordable Health Care" in this effort to correct the course, and provide this Nation's seniors with true protection from the financial ravages of those catastrophic illness-related services that are of the greatest concern. And, I would welcome any more of my colleagues that would like to join myself, and Senators WILSON, COCHRAN, GORTON, BOREN, and HEFLIN, in this effort.

EXHIBIT 1

ORGANIZATIONS THAT HAVE BACKED S. 335 (AS OF FEBRUARY 27, 1989)

National Association of Retired Federal Employees.
The Retired Officers Association.
American Foreign Service Association.
Mail Handlers.
National Association of Postal Supervisors.
National Association of Government Employees.
National Association of Letter Carriers.
National Association of Postmasters.

National Association of Postal Supervisors.
International Federation of Professional and Technical Engineers.
American Foundation for the Blind.
Florida Seniors for Medicare Equity.
Marine Corps Reserve Officers Association.
EXPOSE.
Rural Letter Carriers Association.
U.S. Army Warrant Officers Association.
National Association for Uniformed Services.
Air Force Association.
Non-Commissioned Officers Association.
National League of Postmasters.
National Treasury Employees Association.
Marine Corps League.
Naval Reserve Association.
Council of Sacramento Senior Organizations.
Association of Military Surgeons of the U.S.
International Association of Fire Fighters.
California State Employees Association.
The National Association for Public Health Policy.
United Seniors of America.
Catholic Golden Age.
Fleet Reserve Association.

Mr. McCAIN. Mr. President, I ask unanimous consent that Senator HOWELL HEFLIN be added as a cosponsor of S. 335, the Medicare Catastrophic Coverage Revision Act of 1989.

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

Mr. McCAIN. Mr. President, I yield the floor.

JAPANESE ASSISTANCE TO THE GOVERNMENT OF BURMA

Mr. MOYNIHAN. Mr. President, I rise to express my gravest concern about the decision of the Government of Japan on February 16 to extend formal recognition to the military government of Burma, as well as my hope that Japan will not abandon its commitment to human rights in that country. I trust that Japan will not follow its offer of recognition with an offer of financial assistance, nor of increased economic ties. Japan, and, indeed, the other nations of Asia and of the world should continue to withhold assistance from Burma until the Rangoon regime demonstrates a commitment to free elections and national reconciliation. The announcement of elections in May 1990 is an encouraging move, but much clearer commitments are necessary—a cease-fire in the civil war so that all Burmese may participate, freedom for political organization by opposition parties, a precise election timetable, and a mechanism for international observation. A premature offer of aid by Japan will serve as a reward to the Burmese military for failing to live up to its commitments, and for brutally suppressing prodemocratic dissent.

Burma has been in turmoil for nearly a year. A democratic uprising drove out one government in the spring, and then another. When the military took formal control of the government in September, Japan earned the world's admiration for withholding assistance from the new government and demanding democracy. Burma had clearly become ungovernable. A civil war has left much of its outlying provinces in the hands of ethnic groups fighting for federalism and democracy, and thousands of civilians, many of them university students, have fled to border camps. As many as 3,000 of their compatriots never made it, for they were shot by the military.

I am certain the Japanese Government will recognize that there can be no profit in investing in Burma. Most of its unexploited natural resources—gems, teak, oil, and minerals—lie in parts of the country where civil war makes development impossible. Burma's universities are closed and their students are dying of malaria in border camps, rather than training to become engineers, doctors, and technicians. Burmese currency is worthless, and has been partially supplanted by jade, precious stones, and opium in black market border trading.

I understand that some elements of the Japanese Government continue to resist moves to strengthen ties with the Burmese military. Their position is commendable and I expect their voices will be heard. No aid should be provided, nor should Burma's debt be renegotiated or interest payments suspended or forgiven, until democracy is restored. Similarly, the Mitsubishi group should not continue with the construction of the airport in Rangoon.

Japan's policy was until days ago a guiding example of the proper approach to the Burmese crisis. Despite this regrettable move, I hope that Japan's expectations of the Burmese military regime will be more clearly defined.

This is a most crucial moment in the crisis, and a most inopportune moment for a country as important as Japan to make such an overture, for at this very moment the United Nations Human Rights Commission is considering the human rights violations of the Burmese regime. The American delegation will make every effort to highlight the Burmese tragedy. I trust the Japanese delegation will join us, for silence on the part of an Asian democracy would be interpreted as tacit approval of the Burmese regime.

Let us, Japan and the United States, and all other democratic nations, withhold assistance until firm and verifiable steps are taken to end the killings in Burma, to restore democracy and to hold free and fair elections. The valiant protesters of Burma are looking toward us. We must not and cannot let them down.

Mr. President, I ask unanimous consent that a copy of a letter several of my colleagues and I sent to the State Department regarding human rights in Burma, and a copy of the State Department's response, be printed in the RECORD at this time. I also ask unanimous consent that two recent articles about human rights in Burma from the New York Times be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, January 26, 1989.

Hon. ARMANDO VALLADERES,
Chairman, United States Delegation to the United Nations Human Rights Commission, Department of State, Washington, DC.

DEAR AMBASSADOR VALLADERES: We trust that you will find occasion to bring up the repression of human rights in Burma when the U.N. Human Rights Commission convenes in Geneva on January 30th. Specifically, we urge that you make every effort to ensure that a resolution concerning Burma be considered by the Commission at this year's meeting. As you know, on August 11 of last year the Senate unanimously passed a resolution (S. Res. 464) that condemned the military government of Burma and that called upon the Secretary of State and the Permanent Representative to the United Nations to encourage the restoration of democracy in Burma and to condemn the killings and mass arrests committed there.

Last summer, after 26 years of authoritarian rule and economic stagnation, the people of Burma took to the streets in protest. Their demands were elemental and just. They sought free elections. Free speech. An accounting of the victims of police violence. For a brief moment it seemed they would carry the day. But then the army cracked down. The military took formal control of the state apparatus on September 18, and made clear it would never share power, nor permit opposition. Soldiers fired into crowds with machine guns, mortars, and recoiless rifles. Thousands of unarmed demonstrators were killed. Over 6,000 civilians, fearing for their lives, have fled to the Burmese-Thai border.

What is more, the extraordinary display of brutality in Rangoon and in other cities last summer has for many years been a commonplace feature of the Burmese army's treatment of ethnic minority peoples living within Burma's borders. In an August, 1988 report, Amnesty International found evidence of "a consistent pattern of unlawful killing and ill-treatment of members of Burma's ethnic minorities by security forces." Countless villagers belonging to the Shan, Kachin, Karen, Palaung, Wa and the many other minority groups of Burma have been beaten, tortured, or killed for their suspected allegiance to government opponents. The army has forcibly conscripted many of them to carry heavy loads down jungle trails, and to sweep minefields. Young Burmans in Rangoon are now being similarly conscripted, destined to die anonymously in the mud of a rain forest.

All this has happened to a people that have demonstrated a remarkable faith in America and in our capacity for moral behavior. After the passage of S. Res. 464, our embassy in Rangoon became the focal point of pro-democracy demonstrations, such that

our ambassador, Burton Levin, termed it the "Hyde Park of Rangoon" in a talk at the Asia Society in New York on November 29.

In his talk, Ambassador Levin concluded that by promoting human rights in Burma "we have in a sense the luxury of living up to our principles." We agree. Bringing up the case of Burma at the Human Rights Commission would ensure that the Burmese military cannot continue to behave as it has without feeling the world's condemnation. So massive a violation of the human rights of a people who have such faith in American democracy should not be forgotten.

In addition, we ask that you encourage the member nations of the Association of South East Asian Nations and other appropriate nations in the region, such as India, South Korea, and Japan, to maintain support for democratic liberalization and human rights in Burma. Thailand, especially, as Burma's most involved neighbor, has a critical role to play in the effort of the Burmese people to win the same freedoms that the Thai people already enjoy.

Thank you for your prompt attention to this matter.

Sincerely,

Claiborne Pell, Alan Cranston, Carl Levin, Daniel Patrick Moynihan, Paul Simon, Richard G. Lugar, Rudy Boschwitz, Edward M. Kennedy.

DEPARTMENT OF STATE,
Washington, DC.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate.

DEAR SENATOR MOYNIHAN: Thank you for your letter of January 25, 1989, concerning the violations of human rights in Burma.

We fully agree with your assessment of the human rights situation in Burma. As you have noted, our Embassy has taken the lead in protesting the serious human rights violations which have occurred there in recent months.

Please be assured that we are working to bring the issues of Burma before the United Nations Human Rights Commission currently meeting in Geneva. We have also communicated with other UNHCR member states on this subject. These efforts are on-going and will continue.

Thank you for communicating with us on this important subject.

Sincerely,

BETSY R. WARREN,
Acting Assistant Secretary,
Legislative Affairs.

[From the New York Times, Jan. 15, 1989]

BURMA BECOMES A TEST CASE IN HUMAN-RIGHTS POLITICS

(By Steven Erlanger)

RANGOON, BURMA.—Burma's new military leaders paid dearly for their brutal crackdown on pro-democracy demonstrations in September. Not only were they shunned diplomatically, but nearly all the country's foreign aid—including $300 million from the Japanese, $100 million from the West Germans and $12 million from the United States—was suspended. The effect was to cut off 90 percent of Burma's foreign exchange.

In one sense, Burma's ostracism was a clear victory for the cause of human rights, but it was only a temporary one. The dictates of self-interest for several Asian countries have clouded the issue, lending Burma's rulers comfort and tending to delay, some diplomats say, the setting of a date for multi-party elections.

The Burmese experience has been instructive. It shows a growing willingness by Japan to take the lead in foreign policy in Southeast Asia, as the United States keeps urging it to do. The Japanese were quick to suspend aid, though they now find themselves under increasing pressure from businessmen to resume it.

But the response of several other Asian countries, notably Thailand and South Korea, has disappointed some Western diplomats. In the case of South Korea, they find it regrettable that a country that has itself recently cast off an autocratic regime has been quick to cozy up to a particularly nasty version in Rangoon.

The Thais, seeking trade, have organized the repatriation of Burmese student protesters. The South Koreans have made commercial deals that offer Burma some needed foreign exchange. And other Southeast Asian countries, including the Philippines, increasingly behave as if the September events never occurred.

The effect of any diplomatic action on a country that has been as poor, isolated and strategically unimportant as Burma has for the last 26 years is debatable in any case. And no aid suspension is likely to be airtight for long. Still, the eagerness of neighboring nations to make their peace with the Burmese has unquestionably softened the impact of the Japanese and Western initiative.

As far as the United States is concerned, a senior Western diplomat said, "Burma is a place where, with so few interests, Americans have the luxury of living up to their principles." No geopolitical struggle is under way for Burma, he noted. There are no American military bases or oil companies; there is no autocratic but ancient American ally like the late Shah of Iran or Ferdinand E. Marcos, to spin down the memory hole with pained expressions of regret.

The United States, said American officials here and in Bangkok, has three basic interests here: limiting narcotics production, developing trade and investment, and promoting adherence to human rights. And it hasn't made much progress.

In the early 1980's, the Americans gave economic assistance, fellowships and scholarships. "We fawned and supplicated, but to what end?" an American official said. "We got nothing, just bureaucracy and negativism." To attack narcotics, a diplomat said, the Americans had provided about $5 million a year, a little intelligence and some helicopters and transport planes. At best the effort only reduced the rate of increase of raw opium production.

KEEPING UP PRESSURE

The human-rights issue is self-evident, say these officials, who try to monitor, as best they can, continuing abuses like the arrest and disappearance of student demonstrators. This is no time, the officials say, to try accommodation again and reduce what limited pressure can be applied.

Asian interests, on the other hand, are more direct, because Burma represents a major potential market. The Thais share a long border with Burma, profit from a huge black-market trade and respect the tough Burmese military. They have snuggled up closest to General Saw Maung, the new Burmese leader.

The Thai Army Commander in Chief, Gen. Chavalit Yongchaiyudh, has arranged the repatriation of Burmese students—nearly 300 so far—who had fled to join ethnic insurgencies. The repatriations are said to be voluntary, but Amnesty International says some students were forced to return and face arrest.

South Korea has also tried to fill the gap left by Japan and the West. Burma has been selling off fishing rights, and the South Koreans have been eager to buy, and to discuss new investments, diplomats say.

And while Western ambassadors made a point of being out of Burma so they could decline invitations to Independence Day celebrations Jan. 4, all the representatives of the Association of Southeast Asian Nations were in attendance—including the Ambassador of the Philippines, whose President, Corazon C. Aquino, is the prime beneficiary of the sort of "people power" so ruthlessly crushed in Rangoon.

[From the New York Times, Jan. 17, 1989]

SOME BURMESE STUDENT PROTESTERS DISAPPEAR WHILE IN ARMY CUSTODY

(By Steven Erlanger)

RANGOON, BURMA.—Some student demonstrators have disappeared or died in custody since the Burmese Army suppressed demonstrations for democracy on Sept. 18, while the army has forced thousands of people to serve as porters and "human minesweepers" in battles against ethnic insurgents, diplomats and Burmese say.

Western and Asian diplomats caution that the number of demonstrators and students arrested and tortured or killed in custody since Sept. 18 is impossible to determine, despite a recent United States State Department statement saying the number of "credible reports" may be as high as 50.

A spokesman for the Burmese military Government said, "Rumors about arrests and deaths of students in Government custody are absolutely unfounded and malicious." But many Burmese believe them, and diplomats say they have confirmed at least four cases in and around Rangoon, with the likelihood of more in Mandalay and the countryside.

In one case, diplomats say, a woman said her neighbor's son returned to Rangoon in October from an insurgent camp near the Thai border. The mother urged him to register with the authorities so they would know he was back. He was reluctant, arguing that perhaps they did not know he had gone, but he finally did as his mother suggested.

Two days later he was arrested. Five days after that, his mother received a letter saying he had died in jail of malaria.

In two cases known to him, a diplomat said, the army came to Rangoon houses and arrested students who had returned from the Thai border. The parents have not heard from their two sons again, and the military says it has no knowledge or record of them.

In another, an arrested student was brought home by the army paralyzed from the waist down, and his parents say he is unable or unwilling to talk.

In mid-December, a professional called in for questioning in Rangoon was kept in prison overnight. He said that he was treated reasonably well, but that he was kept awake at night by screams.

The Burmese Army has traditionally run the countryside, especially in border areas where insurgencies are common, and impressment of young men for porterage is not unknown. But in October and November, a series of army sweeps in and around Rangoon picked up several thousand workers and students, diplomats and Burmese professionals say.

IMPRESSMENT FOR 500

In mid-October in North Okkalapa, a working-class suburb of Rangoon, the army told ward leaders that it wanted volunteers to rebuild the North Okkalapa Plastics Factory, looted during the summer protests. Nearly 500 workers showed up, and they were surrounded by soldiers and informed that they would be porters. A few protesters were beaten with rifle butts. The rest were told that those who tried to escape would be shot.

The men's hands were tied behind their backs and they were taken in trucks to a jail, where they spent the night, before going on to Karen state and the battle for a border outpost, Mae Tha Waw, that Karen guerrillas had recaptured Oct. 12.

The men walked for seven days with their loads of ammunition, weapons and mines, with little to eat and no way to carry food. They soaked their clothes in rivers and sucked them for liquid.

At the battle zone, they were put in front of troops and suffered a Karen ambush. Some discarded their loads, fled and were shot. The wounded were left untended.

During three days at the front with no food, the porters had to dig graves and walk through suspected minefields. Some lost limbs. Then a few escaped and made their way to a Karen village and then on to Rangoon, passing corpses or the wounded, many of them gangrenous and delerious, on the trail. The Burmese Army finally retook Mae Tha Waw on Dec. 21.

QUOTAS FOR PORTERS

In mid-November, again in North Okkalapa, the army announced a special show at a movie theater closed since August. After the show, diplomats said, soldiers surrounded the moviegoers and took them off to be porters. Some ward councils were given quotas for porters in November, Burmese say, believed to total about 3,000 for Rangoon and its suburbs.

In a similar case in November, another diplomat said, a young man was seized from a Rangoon street as a vagrant because he had no identification with him. Along with about 2,000 others, he was taken to Karen state to work as a porter. Conditions were poor, with little food, and some porters jumped into ravines to their deaths. He saw two men lose legs from mines. They were left by the side of the trail.

During the battle, porters were sent ahead of troops to gather water while the army covered them. He was required to make three roundtrips of three days' walk to carry wounded soldiers back to a village and more ammunition to the front.

Finally he, too, escaped. Suffering from malaria and dysentery, and made his way to Pegu, 50 miles north of Rangoon, where his family retrieved him.

"This story is typical of several," a diplomat said, "typical, at least, of those who survived."

POLITICAL ACTIVITY CURBED

In addition, open political discourse has been sharply curtailed, political party organizers have been arrested, criticism of the military and its leaders has been criminalized, gatherings of five or more people are banned and all newspapers except an official journal have been closed.

In the four known cases of those who have suffered in custody, diplomats stress that the students had fled Rangoon and then returned voluntarily, before a much-publicized Thai-Burmese effort beginning in late December to repatriate students on official flights. Though questioned, these students, who so far number 260, have been allowed to return home and have not been arrested, Burmese journalists and some Western diplomats believe.

[Amnesty International, in a report issued in Bangkok, said at lest one student flown back on Dec. 26, Thant Zin, had been arrested in his hometown of Mergui and has been held incommunicado since, his whereabouts unknown.]

Diplomats and Burmese say that with publicity and growing confidence on the part of the military, abuses of human rights are becoming slightly less common. They say the curtailment of civil and political rights depends on the commander in charge of any given military region, with Gen. Myint Aung, head of the Irrawaddy district east of Rangoon, considered especially harsh.

When Burmese have complained to him that some actions countervail the policies of the military leader, Gen. Saw Maung, Gen. Myint Aung has said, "Saw Maung rules in Rangoon, and I rule in Bassein."

One senior diplomat stressed the absolute and arbitrary nature of the army's power here, and said it was foolish to expect much delicacy about human rights from a military whose hold on power and privilege had come to seem so tenuous in September.

"One hundred years ago they were burying young boys in the corners of palaces for good luck," he said. "What they've done is terrible and we should say so, but the amount of leverage anyone has on them is pretty small."

SENATOR KASTEN'S LEADERSHIP ON CAPITAL GAINS

Mr. COCHRAN. Mr. President, our distinguished colleague from Wisconsin, Senator BOB KASTEN, has been a forceful advocate for reform of capital gains tax laws. I have cosponsored Senator KASTEN's bill, S. 171, to cut the capital gains tax rate because I share his view that this will mean more jobs, more small business formation, more economic growth, and a rising tide of prosperity and opportunity for all.

I invite the attention of the Senate to four articles by Senator KASTEN that recently appeared in the Washington Post, the Chicago Tribune, the Milwaukee Sentinel, and the Washington Times, together with an article by economics columnist Warren Brookes which highlights the Senator's leadership on the capital gains tax issue. I ask unanimous consent that these articles be printed in the RECORD.

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

[From the Washington Post, Feb. 7, 1989]

CAPITAL GAINS: THE RIGHT CUTS

(By Robert W. Kasten, Jr.)

In 1987, certain that I had discovered a sure-fire way to spark a new job-creation boom, I introduced a bill to cut the tax rate on capital gains from 28 to 15 percent. This proposal was adopted by then-vice president George Bush as a key economic element of his presidential campaign.

But the measure stalled on Capitol Hill. Some of my Democratic Senate colleagues, notably Dale Bumpers of Arkansas, and even a number of my Repubican friends raised what I thought were serious objections to my plan.

Sen. Bumpers, along with other leading Senate Democrats, supported reforming the capital gains tax to help spur productivity growth. But there were parts of the 15 percent bill that they thought were not the very best we could do to achieve that goal. And on some points at least, they were right. An across-the-board cut in the capital gains rate would, in fact, boost productivity growth and job creation. But it would also promote investment in real estate and collectibles, and encourage the kind of unproductive tax-sheltering activity that atrophied the economy back in the 1970s.

Boosting investment in coins, vintage cars and untenanted office buildings won't spark the kind of technological advances, industrial innovation and small-business formation we need to create 21st-century jobs for our workers.

I learned from last year's legislative debate on capital gains that the idea of lowering the capital gains rate is a sound one, but that it is essential to limit the new capital gains differential to job-creating, wealth-creating investment.

Because they recognize the immense economic value of a low capital gains rate, some of America's chief economic rivals (Germany, South Korea and many other countries) don't tax capital gains at all—and this has substantially increased their competitiveness.

We also have a serious capital shortage in this country. Since Black Monday, risky start-up ventures have found it difficult to sell initial public stock offerings. In a survey of start-up businesses by the national accounting firm Grant Thornton, 50 percent of the respondents said the crash forced them to abandon expansion plans—and only 10 percent eventually found venture-capital financing for their projects.

It would be tragic if we were to allow our disagreement on the specifics of capital gains legislation to sidetrack the competitive boost our workers and businesses need—the boost that Democrats and Republicans alike agree a cut in the capital gains tax rate would provide.

With this in mind, I have worked out a new capital gains proposal that takes into account the most serious objections to the Bush-Kasten proposal of 1987.

My bill contains three major new elements. First, it would reduce the capital gains tax by allowing taxpayers to exclude from their taxable income 50 percent of the capital gain on assets they have held for longer than one year.

But (the second element) it would limit this tax benefit entirely to corporate stocks, which make up only about 35 percent of the capital gains tax base. In this way, we would be able to liberate the capital of which so many small start-up businesses have been deprived. We would stem the leveraged buyout craze by reducing the cost of long-term equity capital and thus making debt financing less attractive. And we would revitalize our corporations by encouraging them to retain their earnings and reinvest them in increased productivity.

Third, the bill would index capital gains for any year in which inflation rises above 4 percent. While the 50 percent exclusion would lower the tax burden on holders of stock, this indexing provision would ease the burden on holders of non-equity assets,

whose capital gains are mostly due to inflation.

It is inherently unfair to tax investors on a purely inflationary gain. Holders of assets such as homes, family farms and land are particularly vulnerable to this tax. Allowing 4 percent inflation to trigger indexing would help persuade investors to save and invest in capital assets instead of letting long-term inflation worries scare them into channeling their income into consumption.

One of the chief objections to last year's proposed capital gains cut was that it would lose revenues for the federal government. That wasn't true then, and it's not true now. More risk capital means more GNP growth, and that means more tax revenues. One Harvard economist estimates that a 15 percent flat rate would raise over $30 billion for the Treasury in three years. And the 4 percent indexing trigger would (according to the Congressional Budget Office's inflation projections) result in zero revenue loss, even using a static revenue model.

It is essential that we come up with a bipartisan, pro-growth capital gains reform bill. My bill is an olive branch to all sides of this debate—and a call to unity on the goals of American jobs, competitiveness and productivity.

[From the Chicago Tribune, February 22, 1989]

THE KINDEST CUT OF ALL—REDUCING CAPITAL GAINS TAX

(By Robert W. Kasten, Jr.)

America is locked in the most serious competitive struggle of its 200-year existence. The arena is the world economy. And this is a fight we can't win with one hand tied behind our back—the kind of handicap a high capital gains tax imposes.

When investment in American productivity is reduced, all Americans get hurt—investors, businessmen and workers. The ones who suffer most of all are the neediest Americans—those whose very lifeline depends on the social safety net only a strong economy can provide.

One of the major reasons American competitiveness is in danger is the immense advantage given to foreign businesses by their own tax codes. This is especially true with capital gains taxes.

Capital gains are the return on investment, the benefit investors reap when they make the economy more efficient and productive. Countries like West Germany, South Korea, Taiwan and others have learned that encouraging investment is the key to creating national wealth. These countries impose no tax at all on long-term capital gains.

President Bush and I have proposed cutting our own capital gains tax to reduce America's competitive disadvantage. Opponents of this measure have hidden behind the demagogic and inaccurate charge that a capital gains cut is a "giveaway to the rich."

This is an age-old debating tactic: When the facts aren't on your side, try to foster envy, resentment and other base emotions. The problem is, America simply cannot afford the luxury of class divisions on this issue; the foreign challenge is too serious. If cutting the capital gains tax will help us compete, and help us create more and better jobs in America, then we must do it.

Is a capital gains cut a giveaway to the rich? Let's drop the rhetoric for a while and look at the facts.

First, we know that cutting the capital gains tax would increase the total amount of taxes paid by the wealthy. From 1978 to 1985, the top capital gains tax rate was reduced from just under 50 percent to 20 percent. According to the Treasury Department, gains realized by the top 1 percent of taxpayers increased from $31 billion in 1979 to $92 billion in 1985—and as a result, capital gains taxes paid by the wealthy more than doubled from $8.7 billion in 1979 to $18.4 billion in 1985.

A lower capital gains rate would help nonwealthy Americans in numerous ways. It would give them a greater incentive to save for their children's education, and for their retirement. At least 47 million Americans hold securities, either directly or through mutual funds subject to capital gains taxation. These investors have a median household income of $36,800, and own an average of $6,200 worth of stock.

The current high capital gains tax threatens to lower the living standard of 50 million Americans who have invested in businesses indirectly through private pension and retirement funds, as well as the 13 million elderly Americans who spend on income from pensions.

Although pension funds are not subject to the capital gains tax, the value of stocks in these funds is reduced by that tax. When we reduce the tax bite on the potential return from investment in stocks (i.e., the capital gain), the market price of the stock will go up. Example: After the 1978 and 1981 capital gains tax cuts, pension fund money flowed into growth stocks—and the value of the pension funds soared from about $400 billion in 1980 to $900 billion in 1986.

The 1986 capital gains tax hike increased the tax burden on middle-income families. The long-term capital gains rate rose 65 percent (from 20 to 33 percent) for upper-income taxpayers—and by considerably more for those in lower tax brackets. For example, in 1986 a family with a taxable income of only $30,000 faced an effective capital gains rate of 10 percent. Today, that rate is 28 percent—or 180 percent higher than in 1986.

Both my own capital gains proposal in the Senate and the President's plan are designed to reduce the tax burden on low- and middle-income taxpayers. My bill would apply a 50 percent exclusion for capital gains on certain assets from ordinary income tax rates. For taxpayers in the 15 percent income tax bracket ($0 to $29,750 taxable income for joint returns) the capital gains rate would drop to 7.5 percent. The President would allow a 45 percent capital gains exclusion—and exempt those with income under $20,000 from capital gains tax.

Alan Cranston of California, one of the most respected of Senate liberals, has pointed out that "[capital gains] is not a rich versus poor issue." He's right. The economic future of all Americans—from investors to the poorest of the poor—depends on bringing that rate down.

It's a tough world. Let's put the inflammatory and inaccurate "giveaway to the rich" rhetoric aside and give America a chance to compete in the world economy.

[From the Milwaukee Sentinel, Feb. 7, 1989]

CUTTING CAPITAL GAINS TAX WOULD CREATE JOBS

(By Robert W. Kasten, Jr.)

I just introduced a bill in Congress that would create thousands of new jobs for Wisconsin—and already opponents are lining up to call it a massive giveaway to the rich.

It's yet another instance of politicians and political commentators letting their idology blind them to the truth—and I'd like to clear the air and let the facts tell the story.

My bill, the Entrepreneurship and Productivity Growth Act of 1989, would cut the tax rate on capital gains by 50%. Capital gains are the income investors get from investing in growing businesses. These gains are the reason people invest.

If you reduce the federal tax bite on these gains, investors will invest more of their money in businesses. This investment goes directly into new plants and equipment, and creates economic growth. That means jobs and rising incomes for working families.

We all hear the commentators on television and in the newspapers complaining about how Americans are losing jobs to foreign countries. Have you ever wondered why a job created in South Korea or West Germany couldn't have been created just as easily here in Wisconsin, for a Wisconsin worker?

The answer is simple. Countries such as South Korea, Belgium, West Germany, Italy, Netherlands, Hong Kong and Malaysia don't tax long-term capital gains at all. If you invest in businesses in those countries you get to keep the whole profit you make.

This also is one reason why many foreign products are of such high quality. We need to promote the investment in new technology that will raise the quality of American products.

West Germany investors invest in a German company and keep their profit. American investors invest in an American company and lose 28% of their profit to the federal government.

Many people who would invest in the American companies are convinced not to by the fact that our capital gains tax is too high (practically the highest in the whole world).

The result is that new companies in America—the small businesses that create the most new jobs—don't have enough investors willing to invest in them.

Who gets hit the hardest when this happens? Workers who can't find jobs—jobs that would have existed if only companies had been able to keep themselves afloat and on the road to growth.

When investors are discouraged from investing, they don't usually pull their money out of large, well-established companies such as IBM and General Motors. They tend to keep away from small, risky companies with a lot of growth potential.

Economist David Birch of the Massachusetts Institute of Technology recently concluded a study that shows that these high-growth companies—which make up only 7% of all companies—create a whopping 67% of all the new jobs in America.

Clearly, if making sure all Americans have a good job is important to us, we have to encourage investment in this kind of company just like the other growing industrial countries do. And that means cutting the tax rate on capital gains.

That's what my bill would do—and it would target the incentive not to investment in tax shelters such as paintings, vintage cars and collectibles, but to the kind of investment that will create the jobs of the future.

Look what happened the last couple of times we cut the capital gains tax. By cutting the tax in 1978 and 1981, we boosted investment in new high-growth companies from just $600 million in 1977 to $4.5 billion (that's right, billion) in 1983. This incredible explosion of investment helped spark the

growth that created 19 million new jobs in this decade.

Look at all the Wisconsin success stories that were made possible by venture capital investment—innovative and job-creating companies such as Cray Research in Chippewa Falls and Supercomputing Systems Inc. in Eau Claire.

Wisconsin has one of the nation's brightest labor forces and a can-do work ethic. Combine that with a cut in the capital gains tax and Wisconsin can be America's next Silicon Valley.

The debate on the capital gains tax will boil down very rapidly to one question: Do we care about Wisconsin's future labor force? If we do, we'll cut the tax—and watch the prosperity of the average Wisconsin family grow steadily into the next century.

If we don't, we'll continue to let the high tax stifle investment—and blight the dreams of our children for a more prosperous future.

I'll be on the side of growth—and on the side of Wisconsin workers.

[From the Washington Times, Feb. 15, 1989]

CURBING LBO'S THE EASY WAY

(By Robert Kasten)

President Bush has proposed the only surefire solution to the leveraged buyout craze—cutting the capital gains tax. Unlike other trumpeted LBO cures, this measure would curb some of Wall Street's excesses without threatening to throw the market as a whole into a tailspin.

Many in Congress are justly concerned about the surge in leveraged buyouts—corporate mergers financed by massive new debt. From a total of $11 billion in the years 1978-83, LBOs have risen to a total of $160 billion for the years 1983-88. The highly publicized $25 billion LBO of RJR-Nabisco has prompted an unprecedented congressional clamor to "do something"—anything—about LBOs.

Congress' uncertainty on how—or whether—to respond to the LBO craze was summed up by Ways and Means Chairman Dan Rostenkowski: "There's an appetite here on the Hill to do something about it [but] we shouldn't have a meat-ax approach. There are some good things that come out of buyouts."

He's right. The empirical studies of LBOs that I have seen indicate that they increase our competitiveness by making business more efficient.

But I still welcome the congressional debate on LBOs—because it has created an opportunity to rethink the current tax code, which has created an excessive bias against savings and investment and thus encouraged the shift toward debt financing.

Our tax code also imposes a "double tax" on income that is saved and invested. An individual's return from investment is taxed once at the corporate level—and then once again at the individual level when the investor receives dividends. Moreover, interest on debt is deductible for businesses, while dividends paid out to stockholders are not deductible.

This double tax on savings and investment has tilted our financial markets away from long-term rewards, and toward short-term gains.

Most of the LBO solutions being widely considered simply wouldn't work. Cutting back corporate interest deductions would raise the cost of capital for U.S. firms, and encourage takeover bids by foreigners—who will still be allowed to deduct interest costs. Many analysts blame the 1987 Black Monday stock market crash on congressional efforts to limit the corporate interest deduction.

Allowing a dividend tax deduction—even in return for partial elimination of interest deductions—wouldn't work. It would not lower the overall cost of capital for U.S. firms vis-a-vis their foreign competitors. And while permitting deductibility of dividends would reduce the cost of capital, many remain concerned about the potential static revenue loss for the Treasury.

I believe the most effective way to solve the double-taxation problem, reduce the cost of capital, and help encourage equity financing is to reduce the unnecessarily high tax rate on capital gains. It's yet another double tax on investment—taxing both the future income stream and the capitalization of that stream.

A lower capital gains tax rate would turn the markets toward long-term equity investing, and away from interest income (like that from junk bonds) or short-term gains (like those from commodity options). Many prominent leaders in business and government agree with this approach. Federal Reserve Chairman Alan Greenspan said recently that lowering the tax rate on capital gains would encourage equity financing.

To maximize the impact of a capital gains cut, it's important to limit the tax incentive to long-term, growth-oriented investment in corporate stock. An across-the-board cut in the capital gains rate would, in fact, encourage long-term investment. But it would also promote investment in real estate and collectibles trading, and encourage the kind of tax-sheltering activity that atrophied the economy back in the 1970s.

My new capital gains bill (S. 171, the Entrepreneurship and Productivity Growth Act of 1989) and President Bush's proposal would limit the capital gains differential to certain capital assets. While the president's proposal would apply the tax break to the sale of bonds, land and other non-depreciable real property, our goals are the same: encourage long-term equity financing and reduce the overall cost of U.S. capital.

Unlike a dividends-received deduction, a capital-gains tax cut would result in an *immediate* revenue gain as stockholders realize their capital gains. In 1978, we cut the tax rate from 50 to 28 percent—and tax revenues rose $2.6 billion in 1979 and $3.4 billion in 1980. And revenues would continue to grow in the future as stock values rise and the economy expands.

While LBOs may not be the economic Freddy Krueger that critics like to portray in speeches and opeds, they nonetheless point to a disturbing tendency in today's market. It's the apparent tilt toward the immediate gratification of paper profits as opposed to long-term commitments to restoring America's competitive edge.

We need to put the long term back on business' agenda. And restoring the capital gains differential is a good start.

[From the Washington Times, Feb. 9, 1989]

THE COMING BUDGET DEBATE—KEEPING THE CAPITAL GAINS PLEDGE

Today, President George Bush makes good on the campaign promise for which he took the most heat from candidate Michael Dukakis: to propose lowering the tax rate on capital gains to 15 percent.

Massachusetts Gov. Dukakis charged this would be "a $40 billion tax break for the rich." Mr. Bush's budget reportedly argues that lowering the rate will actually generate from $2 billion to $3 billion in higher tax revenues the first year, and as much as $6 billion to $8 billion more over four years.

Recent history clearly supports those estimates. What's significant is that not only were they developed by the carefully nonpolitical staff of the Office of Tax Analysis, but for the first time the OTA supports the research of Harvard supply-side economist Lawrence Lindsey; who has just joined the White House staff and who has long argued that lower rates would raise income.

This means that the tax sensitivity analyses developed in May 1988 by Assistant Treasury Secretary Michael Darby along with Treasury economists Robert Gillingham and John Greenlees have finally prevailed over the old static analyses of the OTA, which just last year said gains rate cuts were losers.

This is good news because, according to Mr. Bush's point man on Capitol Hill on this issue, Republican Sen. Robert Kasten of Wisconsin, "The ingredients are here for developing a bipartisan consensus we lacked a year ago to do something about regaining lost ground on capital gains. The mood is now in favor of fixing the mistake."

The 1986 Tax Reform Act raised the top effective tax on gains from 20 percent to 33 percent, a 65 percent increase, by taking away the entire capital gains exemption. As a result, even though we cut the marginal rates dramatically; we raised the already high U.S. tax cost of capital by about 10 percent.

In 1985, a study done under the direction of Paul Craig Roberts of the Center for Strategic and International Studies showed the U.S. tax cost of capital was already about 55 percent higher than that of Japan, which doesn't even tax capital gains.

The 1986 act not only worsened that competitive position, but it quickly proved the basic supply-side thesis that changing tax rates affects economic behavior. (See table.)

As soon as investors knew that the capital gains tax rate was going to rise by 40 percent to 65 percent in 1987, there was a rush to take and declare gains in 1986. Total revenues from this tax soared nearly 90 percent and $22 billion in 1986, and may have fallen back by as much as 60 percent in 1987.

There is nothing new in this effect. Between 1968 and 1976, legislation authored by Democratic Sen. Edward M. Kennedy of Massachusetts pushed the capital gains top rate up from 25 percent to 49 percent. The idea was to increase the tax take from the wealthy, but revenues actually fell in constant dollars by 33 percent, and most of this decline was in taxes paid by the top 1 percent of taxpayers.

This evidence was so clear that when Mr. Kasten's late compatriot, Republican Rep. William Steiger of Wisconsin, proposed to cut the rate back to 28 percent, he got bipartisan support to enact it in 1978 over the protest of President Carter, who said it would cost $2 billion a year.

Instead, by 1979 revenues were 42 percent higher than they had been at the 49 percent rate in 1976. But that experience was modest compared to what happened after the 1981 Reagan tax-cut law took effect. From 1982 to 1985, capital gains revenues at the new lower 20 percent top rate almost doubled in constant dollars, before Tax Reform nearly doubled them again in advance of the higher rate in 1987.

This was the main reason the share of income taxes paid by the top 1 percent jumped from 18.1 percent in 1981 to 26.1

percent in 1986, a very "progressive" trend that, ironically, was reversed by killing the exemption, not to mention its other bad side effects.

For example, financial experts have also observed that killing the six-month holding period tax incentive increased stock market volatility as speculation began to replace investment decisions.

CAPITAL GAINS TAX RATES AND THE RICH

[Gains and revenues in billions]

	Top 1 percent			All payers	
	Top marginal rate (percent)	Gains declared	Taxes paid	Total capital gains tax	1982 dollars
1968	26.9	$7.9	$4.4	$5.9	$15.6
1970	32.2	9.2	2.5	3.2	7.6
1973	45.5	14.4	4.0	5.4	10.9
1976	49.1	12.7	5.1	6.6	10.5
1979	28.0	31.1	8.7	11.7	14.9
1982	20.0	48.1	9.6	12.9	12.9
1983	20.0	62.1	12.4	18.5	17.8
1984	20.0	73.9	14.8	21.5	20.0
1985	20.0	92.0	18.4	24.5	22.0
1986	20.0	176.3	35.2	46.4	40.7
1987	28.0	?	?	?	?
Percent Change					
1968–76	83	(29)	16	12	(33)
1976–79	(43)	145	71	77	42
1979–86	(29)	467	305	297	173

Source: U.S. Treasury Department.

In turn, this tended to favor quick gains from takeovers and mergers, while punishing real growth and dynamic enterprise, where the rewards take longer to arrive. Richard Kopcke, economist for the Federal Reserve Bank of Boston, says the 1986 tax law "should increase the equity values for all mature corporations," but "the higher tax rate on capital gains will tend to depress the equity values of the 'growth stocks' that do not promise their shareholders dividends until many years have elapsed."

Mr. Kasten believes that if Mr. Bush makes jobs and competitiveness the issues, it will be hard for Congress to resist. But some think the fight might be much easier to win if the goal were merely indexing all capital gains for inflation, leaving the rate alone.

The irony is that that approach, though perceptually "fair" and less of a "tax break," might actually be a major revenue loser, since most capital gains are the result of inflation, while a rate cut would definitely result in higher tax revenues.

JAMES R. CROWLEY WINS OUTSTANDING TEACHER OF THE YEAR

Mr. KENNEDY. Mr. President, we all know that our schools will never be any better than the men and women who teach in them. Recently, a teacher in my State received a prestigious award and I would like to use this opportunity to congratulate him.

James R. Crowley, chairman of the electronics department at Blue Hills Regional Technical High School in Canton, MA, has been voted "Outstanding Teacher of the Year" by the American Vocational Association Trade and Industry Division.

Mr. Crowley has received numerous awards for teaching. Last year he was nominated for a Christa McAuliffe fellowship. He was also nominated to be the Massachusetts Teacher of the Year.

Mr. Crowley is a graduate of Northeastern University and also has a master's degree in electrical engineering from Fitchburg State College. He has taught at Blue Hills High School for 23 years.

In the words of the director of Blue Hills High School, "Jim Crowley is a credit to his profession and a credit to Blue Hills. He has shown by example the many ways an individual can contribute to the development of tomorrow's leaders."

I am grateful to Mr. Crowley and other teachers like him who have make a lifelong commitment to excellence in education. I hope that the other Members in the Senate and the citizens of Massachusetts will join me in extending congratulations and best wishes to Mr. Crowley.

JOHN LENTINE TO COMPETE IN INTERNATIONAL SKILLS OLYMPICS

Mr. KENNEDY. Mr. President, a recent high school graduate in Massachusetts who attended the Blue Hills Regional Technical School will represent the United States in an important international competition.

John Lentine, a 1988 electrical trades graduate will represent the United States in the International Youth Skills Olympics in Birmingham, England, in August 1989. He was selected after a 3-day competition in November 1987, sponsored by the Vocational Industrial Clubs of America.

Clearly, Mr. Lentine has exceptional abilities. I know that Mr. Lentine is continuing to work on his skills in preparation for this summer's competition.

I want to send Mr. Lentine my heartiest congratulations. In an era where talk about the shortcomings of American schools and students are commonplace, it is especially important that we recognize these special students and schools who continue to strive for excellence.

I hope that the other Members of the Senate and the citizens of Massachusetts will join me in congratulating Mr. Lentine and in wishing him the best of luck.

JOHN W. CAMERON WINS NEH TEACHING AWARD

Mr. KENNEDY. Mr. President, we all know that our schools will never be any better than the men and women who teach in them. Recently, a teacher in my school received a prestigious award and I would like to take this opportunity to congratulate him.

John W. Cameron, a high school English teacher at Dana Hall School in Wellesley, has been selected "Massachusetts' NEH/Reader's Digest Teacher-Scholar for 1989" by the National Endowment for the Humanities.

The award provides Mr. Cameron with an opportunity to undertake an intensive research project entitled "Reclaiming our Humanity Through Twentieth Century Literature, Music, and Art." During his sabbatical he plans to study authors that show "renewed faith in the human spirit' in their works.

Mr. Cameron holds a master's degree in English from Wesleyan University. He has taught at Dana Hall School for 13 years and currently serves as the president of the New England Association of Teachers of English.

I am grateful to Mr. Cameron and other teachers like him who have made a lifelong commitment to excellence in education. I hope that the other Members in the Senate and the citizens of Massachusetts will join me in extending congratulations and best wishes to Mr. Cameron.

VOLUNTARY NATIONAL SERVICE

Mr. MITCHELL. Mr. President, Representative JOE BRENNAN of Maine recently wrote a column for the Portland Press Herald discussing national service that lays out very well the rationale that is the basis of the national service proposal introduced by Senator SAM NUNN and Representative DAVE MCCURDY.

I believe Congressman BRENNAN's column makes a strong case that voluntary national service is a good way to channel the idealism of America's citizens, primarily the young, while providing a broader opportunity for upward mobility to more of our citizens.

And while doing so, Congressman BRENNAN points out that national service also offers the means to provide the essential human services needed to meet the unmet needs of millions of Americans. And it creates the potential for every young American, through his or her own effort, a chance to improve their stake in life.

Mr. President, I have said a number of times that I believe enactment of national service legislation that meets the needs of this country, offers Americans a worthwhile and challenging opportunity to serve and passes the test of fiscal responsibility will be one of the priorities of the Senate over the next 2 years.

I commend Congressman BRENNAN's column to my colleagues, and ask unanimous consent that it be printed in the RECORD.

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

A NEW START: REVIVE SPIRIT OF PUBLIC SERVICE

(By Joseph E. Brennan)

Over a quarter of a century ago, President John F. Kennedy delivered his famous inaugural address in which he challenged Americans to "ask not what your country can do for you; ask what you can do for your country."

President Bush's inaugural address reiterated this message when he said, "We are not the sum of our possessions. They are not the measure of our lives. In our hearts we know what matters. We cannot hope only to leave our children a bigger car, a bigger bank account. We must hope to give them a sense of what it means to be a loyal friend, a loving parent, a citizen who leaves his home, his neighborhood and town better than he found it."

It's good to see that the new president is moving away from the messages and questions of the past few years, which tended to promote selfishness and mean-spiritedness: "Are you better off now than you were four years ago? How's your bank account?" It's refreshing to see Bush challenge Americans to think beyond their pocketbooks.

Peculiar role models and events have occurred in the past eight years. There has been a marked shift from public spiritedness to an unabashed pursuit of self-interest. Corporate raiders, insider traders, Wedtech, the Pentagon scandal and "kiss and tell" books by high-ranking public figures come to mind. Success, to many, has come to be equated with material gain.

The pursuit of self-interest is reflected in the attitudes of many students. College freshmen in recent years have rated "being materially well off" as being more important than "developing a meaningful philosophy of life."

Why are young people so concerned with accumulating wealth? Probably in part because two of the most important investments for one's future—a college or other post-secondary education and a home—are becoming prohibitively expensive for many average Americans. Since 1980, the costs for public and private colleges have risen 70 percent and 90 percent respectively, while family income has risen only 33 percent.

The end result is that students and their parents are not able to meet the total cost of their education; therefore, those who choose to pursue a degree potentially face staggering debts. With annual expenses of up to $20,000, that debt could run to $60,000 or more for an undergraduate degree alone.

Instead of starting with a clean slate, these students look forward to years of debt repayment.

Many residents of Maine are no strangers to rapidly increasing housing costs. The Maine State Housing Authority lists the median selling prices of homes at $115,900 in York County, $123,134 in Cumberland County and $90,138 in Kennebec County. In 1970, about 80 percent of Maine households could afford a median-priced home. Now only 35 percent can afford such a home. The home ownership rate nationally for people ages 25 to 34 has dropped by almost 20 percent during the 1980s.

With these expenses to look forward to, it's no surprise that our young people might appear to be so concerned with money. Have they been given a choice?

In addition to these difficulties, another disturbing development has emerged. The defense of our nation has become the disproportionate responsibility of minorities and sons and daughters of low-income families.

Although comprising only 14 percent of the U.S. population, minorities fill 38 percent of today's Army ranks. This is not right. Defense of the nation should be the responsibility of all Americans. It should not fall so disproportionately on minorities and low-income families.

How can these inequities and financial challenges for our young people be overcome? The situation is far from hopeless. A number of proposals have emerged that offer possible solutions. A voluntary Citizens Corps, which was proposed by a group of American political leaders is particularly intriguing. It would create a voluntary national service.

Basically, the proposal is for a new GI Bill. People between the ages of 18 and 26 could choose to serve in either the military or civilian corps. In addition to subsistence wages, a participant would be credited with either a $20,000 voucher for civilian service or a $24,000 voucher for military duty after two years of service. Upon completion of service, this voucher could be used for college, job training or as a down payment on a home.

It has been estimated that 85 percent of those who join the program would join the civilian service and the remaining 15 percent would enter one of the armed services.

Proponents hope the popularity of the program among young people would attract those with less financial incentive to join. Historically, the attraction to civic duty has brought many young people from a variety of financial backgrounds to serve their country in VISTA and the Peace Corps, despite the negligible wages.

In addition to meeting the country's military defense needs, other battles could be fought in peacetime America: battles against illiteracy, homelessness and drug and alcohol abuse.

Citizens Corps volunteers could address some of the unmet needs of our society: individual attention to children in overcrowded or understaffed schools and child care centers, to the sick in hospitals, to the elderly in nursing homes, to the mentally retarded and to the homeless. Volunteers could see firsthand the needs of their neighbors, develop a sense of civic duty and compassion and build a foundation for their own futures.

Instead of creating a new bureaucracy, this proposal would expand existing voluntary programs for which state and local governments would be predominantly responsible. And it would replace most existing federal student financial aid programs—now costing $8 billion—at an additional annual cost of $5 billion.

The concept of national service is not new. Most democracies, with the prominent exceptions of the United States, Great Britain, and Canada, require or encourage some type of service as a condition of citizenship.

Undoubtedly, the proposed Citizens Corps plan is ambitious. Questions and potential problems still need to be worked out, but the goal of maintaining a sense of public spiritedness is a noble one and crucial to maintaining the integrity and greatness of our nation.

Historian Edward Gibbon observed that when "the Athenians finally wanted not to give to society but for society to give to them, when the freedom they wished for most was freedom from responsibility, then Athens ceased to be free."

Voluntary national service would once again give young Americans the opportunity and encouragement to serve their country. Instead of being automatically entitled to education, job training, or home-ownership benefits, the young people of America could experience a sense of the responsibilities as well as the entitlements of citizenship.

IF FLORENCE NIGHTINGALE COULD SEE THEM NOW

Mr. INOUYE. Mr. President, in late December 1987, in response to reports of widespread difficulties involved in the recruiting and retaining of registered nurses, the Secretary's Commission on Nursing was established. The Commission concluded that the shortage of registered nurses is real, widespread, and of significant magnitude, and recommended sustained attention to promote positive and accurate images of the profession and the work of nurses.

The media has often depicted nurses in a negative light and has given an inaccurate picture of the work that they do. The general public for the most part remains unaware of the various roles that highly specialized nurses perform and their contributions to today's health care.

Mr. President, I ask unanimous consent that the following article from the Washington Post, written by Abigail Trafford, be printed in the RECORD.

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

IF FLORENCE NIGHTINGALE COULD SEE THEM NOW

(By Abigail Trafford)

TV IMAGE OF NURSES HITS NEW LOW, AND REAL NURSES ARE UP IN ARMS

They squeal a lot, these cute little hormonettes with long flowing shampoo-ad hair, their bouncing bosoms harnessed in push-me-up bras, every muscle aerobically sculpted from tip to toe. The simplicity of it: hair, tits and legs. They've even brought back the old Brigitte Bardot baby doll sex pout—and these girls pout a lot. For them, it's creative thinking because when they speak, their brain wave patterns scarcely register. Mostly what these creatures do for an hour is sigh, sob, giggle and bounce.

Meet the "Nightingales," the stars of the new NBC series on prime-time television about a group of nursing students.

It's not just that Florence Nightingale, that very Victorian founder of modern nursing, would be appalled; she'd probably start her reform movement all over again. This program is a good illustration of why nursing schools are having trouble attracting able applicants and the country is facing an acute nursing shortage.

Who, after seeing this farce, would want to be a nurse?

There are lots of good reasons for going into nursing, of course, but as the recent government Commission on Nursing found, the American nurse has a terrible image problem. In a television age where life often follows art, the commission concluded that unless the image of nursing is changed in the media, the real problems that undermine the profession—low wages, high-stress working conditions, lack of power and au-

tonomy within the health-care community—will be a lot harder to solve.

Not that you see much of the real world of nursing in the "Nightingales" television soap. The script, which ranges from nubile frolic to psycho violence, involves a handful of bedside bimbos who live in a Victorian Gothic sorority house near the hospital where they are training to be nurses.

There's a lot of dialogue about sex and men and references to "Dr. Buns"; scenes of wet hair, bare legs and wrap-around towels; the usual mix of kooks and cokeheads. In fact, the professional aspects of nursing and medicine play a very minor role in this program. It might as well be called "The Aerobics Sisters," since the Nightingales themselves seem to spend more time in a gym than in the hospital.

The star of "Nightingales" is Head Nurse Suzanne Pleshette. With her liquid grave voice and her aura of elegance, she is a relief from the hormonettes. But not much. The script is terminal, and not even an actress of her talent and stature can resuscitate it. She's supposed to present a good image of nursing—the professional, career-minded nurse who runs a department in a big hospital. But she, too falls into the bad old sterotype of the sensuous, scheming playmate in search of Dr. Right. Without any apparent power in the hospital, she uses guile and sex appeal to manipulate the system, which means getting a doctor to do her a favor. Not to put too fine a point on the inanity of it all, but in what is cast as a masterful power play, she withholds the doughnuts from the doctors' lounge until she gets a reserved parking space.

Most of her bosom-heaving and poignant pauses between cliches have to do, not with nursing skills in the ICU, but with—you guessed it—Dr. Right, an attractive widower whose wife was her best friend. He's an old male chauvinist, but a good man is hard to find and he's catching on about sensitivity. He admits he's just a jerk, adding that he's so glad she points it out because that's just what his wife used to do. Chances are, if the show lasts a few more weeks, they'll fall into each other's arms.

In keeping with the negative stereotype, even the chief of nursing in "Nightingales" seems destined to fulfill the image of nursing as a get-a-man job rather than a professional career.

One 60-minute episode ends with a ceremony where the nursing students get their little caps to show that they're really going to be 20th-century Nightingales. All dressed in long black gowns, the hormonettes gather around Pleshette, who pays homage to Founder Flo for bringing nursing out of the Dark Ages. Then she lights a candle that lights the candles of the little Nightingales. But instead of looking like noble guardians of a proud tradition, they seem more like members of a Twilight Zone witches' cult.

MEDIA CRUSADE

After an hour of "Nightingales" (10 p.m. on Wednesdays), it's an understatement to say that nursing has an image problem. Not surprisingly, nurses across the country are up in arms over the program. After the pilot movie was aired last year, the American Nurses Association received hundreds of complaints about the show. As ANA president Lucille A. Joel wrote to Brandon Tartikoff, president of NBC Entertainment: "When a program such as 'The Nightingales' movie present lax educational standards, questionable motivations to become a nurse, substance abuse and promiscuous behavior as images to portray nurses and nursing education, you can expect that nurses, people who devote their lives to caring for people will be upset."

The series is a toned-down version of the movie, and there are awkward attempts at dealing with the issues facing nursing today, but these are overwhelmed by the many scenes of hair and legs, bounce and pout.

Still, the series forces nurses to look at what's going on in their ranks, for "Nightingales" reflects some common public perceptions about nursing.

"The image problem is extremely serious," says Carolyne Davis, a registered nurse who was chairman of the national Commission on Nursing. "In media portrayals, the nurse is like a child, a harmless sex kitten."

One result of this poor image is that from 1983 to 1987 there were fewer graduates from nursing schools, as well as a decline in enrollments. In 1988, the number of students entering nursing school rose, according to a survey published in Nursingworld Journal, but many schools reduced grade requirements to attract more candidates.

In 1987, Health and Human Services Secretary Otis R. Bowen set up the commission to explore the reasons behind the shortage and recommend ways to boost the supply of nurses.

The 25-member advisory panel found that teachers and guidance counselors rarely recommend nursing as a career. "Students are talked out of it," explains Davis. "Teachers tell them, 'you're too bright to be a nurse.'"

"I wish I could line up every guidance counselor in the intensive care unit to see what nurses really do. Then I bet you'd want the best and brightest right here."

Image isn't the only problem. Relatively low wages, increased work loads, lack of decision-making authority and limited career advancement in the health care industry are also factors in turning people away from nursing. Unless all these issues are addressed, the nursing shortage will only get worse—and so will the quality of care in many facilities across the country.

"No one wants to go into a profession that is powerless," says Pamela Miraldo, a PhD nurse who is chief executive officer of the National League for Nursing. "Women don't do that anymore. If you empowered the nursing role, nurses could go a long way to address the serious problems that are eating away at the social fabric—drugs, AIDS, the homeless—and general aging of the population."

After a year of hearings across the country, the commission concluded that the shortage not only was widespread but likely to get worse. Hardest hit are large urban hospitals. For all community hospitals, vacancy rates have increased from an average of 4.3 percent in 1983 to 11.3 percent in December 1987, the latest figures available. Health officials estimate that 165,000 nurses are needed right now to fill current vacancies.

Of major concern is the fact that the qualifications of students who are interested in nursing have declined at a time when the role of nurses has become more complex and demanding. The Scholastic Aptitude Test (SAT) scores of nursing students are well below the national average for college-bound students. Moreover, the gap between SAT scores for nursing and non-nursing students seems to be widening. The national failure rate on the July 1988 nurse licensing exam reached a record of more rates above 20 percent.

The 16 specific recommendations in the commission's final report are aimed at upgrading the nurse's role, improving the quality of nursing candidates and increasing the supply. A key recommendation focuses on image. "The media has often portrayed nurses in a negative light and given an inaccurate picture of the work they do." concludes the commission. "An immediate and concentrated effort to correct this misperception is called for."

In short, the idea is to transform the perception of the American nurse from hotpants bubblehead to competent health care professional.

Armed with an $800,000 grant from the Pew Charitable Trusts, a Philadelphia foundation that supports health and social research, American nurses are about to begin their media blitz, from carefully crafted "infomercials" on the new and improved nurse to consciousness-raising scripts about today's high-tech/high-touch Florence Nightingales.

"It's a crusade," says Davis. "What we're saying to nurses is that we really value you."

DEEP THROAT AND HOT LIPS

How did this happen, you might ask. Here was Florence Nightingale—angel of mercy, courageous heroine, pure-minded reformer, a woman of class, independence and vision. Sure, she challenged the medical establishment just as nurses are doing today. But never was there a nurse so highly valued in her own time and by future generations.

What is interesting is that the sex object image is relatively recent. It started in the mid-1960s and flowered in the 1970s. By a quirk of history, just as the women's movement was opening previously closed doors, the nursing profession headed for decline. If women now could be doctors, bankers and lawyers, why would they choose to be nurses?

In a provocative study, "The Changing Image of the Nurse," Philip A. Kalisch and Beatrice J. Kalisch of the University of Michigan trace the public's perception of nurses since the 19th century.

As a predominantly female occupation, nursing closely reflects the status of women in society. The reality may be twisted in books and movies, but popular fiction reflects the major social currents that continually redefine the role of the sexes, the status of work and family, the dominant values and rules of a culture. As a result, Florence Nightingale has gone from Angel of Mercy through World War I to Fun-time Flapper Girl Friday in the Twenties, to Heroine under Stress during the Depression and World War II, to housewife and mother in the Baby Boom '50s and finally to sex object from the 1960s to the 1980s.

The past 30 years have been tumultuous decades for social change. In 1963, Betty Friedan's book "The Feminine Mystique" exploded the myth of bliss for suburban moms. In 1968, Kate Millet's "Sexual Politics" chronicled the sexism in every aspect of American life. Both became best-sellers.

The image of women generally began to change, especially the perception of working women. They went from a lower-class to an upper-class image. Rosie the Riveter of World War II was back in the public eye as a Supermom corporate lawyer flying to Zurich for business with her "reach out and touch her baby at home" telephone credit card.

Paradoxically, while women generally advanced in social status, nurses did not. In fact, they slipped further down the social ladder. Much damage was done to their

image when one of the most popular porn movies ever made introduced the world to Nurse Lovelace in "Deep Throat" in 1972. Forget about mopping the brow or taking a patient's pulse, or even giving up her job to be the little Mrs. to Dr. Right, the way June Allyson did in the 1953 movie "Battle Circus." Nurse Lovelace had one career goal and it wasn't CPR or marriage. "Linda Lovelace was declared a nurse simply on the basis of her abilities to perform fellatio, and she went right to work in the clinic to relieve others of their sexual problems," write the Kalisches in their study.

The image triangle of sex, humor and nurses became entrenched. Between 1966 to 1984, nurses were featured in the titles of X- and R-rated sexploitation films ahead of wives, hookers, cheerleaders and stewardesses. Consider the forgettable lines in "Night Call Nurses," released in 1972: "Why kid around? Touch therapy doesn't go far enough?" and "Who says all men are created equal?"

For general audiences, television brought Americans Margaret (Hot Lips) Houlihan, the nurse in "M*A*S*H," the TV series about a field hospital in the Korean War that ran from 1972 to 1983. Although Hot Lips evolved from an obnoxious, busty, stuck-up, sex-driven head nurse into a good-guy professional member of the medical team, who can forget the scene in the shower or the time she's all wired up in bed with the commander?

Meanwhile, the kinky factor got more perverse and ominous in the media image of nurses in the mid-1970s. Another type of nurse emerged in the public psyche: the Nazi frigid Mommie Dearest S & M virgin vampire. It's Nurse Ratched in "One Flew Over the Cuckoo's Nest" (1975); it's Nurse Diesel in Mel Brooks' "High Anxiety" (1977); it's Nurse Jenny Fields in "The World According to Garp," the 1978 best-seller by John Irving.

As the old-money parents of Jennie say: she is "slumming her life away as a nurse."

FROM HAG TO HEROINE

In the 19th century, there were two opposing nurse images identified by Philip and Beatrice Kalisch. The first was Sairy Gamp, the alcoholic hag in Charles Dickens' "Martin Chuzzlewit." Untrained, uneducated, unclean and unreliable, Nurse Gamp is lower than a domestic servant. The other image is Florence Nightingale, whose role in the Crimean War was heralded in a series of newspaper articles. American poet Henry Wadsworth Longfellow paid tribute to her in his 1857 poem "Santa Filomena," calling her the "lady with a lamp," the "saint of the Crimea," "a noble type of good, Heroic womanhood."

It was Dickens' exposure of the Sairy Gamps of nursing that paved the way for Nightingale's reforms. Yet the dichotomy of saint vs. sinner, high-born vs. low-class, tender mercy vs. chilling abuse, has persisted in the public image of nurses.

The nurse as noble heroine lasted through World War I. Then in the 1920s, a time of economic boom and short skirts, the media image shifted to not-so-noble unprofessional helpmate. "Nurses were seen as subordinate to physicians and, more important, placed larger emphasis on love than on their work," the Kalisches point out. In short, nursing became a get-a-man career. While romance and marriage dominated the "The Trial." (She finds all accused men attractive and so makes love to them.)

Interestingly, in the 1930s, the hardest economic times of this century, the image of nursing improved significantly. According to "The Changing Image of the Nurse," the media portrayed nursing as a real profession that required education and skills; "Nurses were depicted as brave, rational, dedicated, decisive, humanistic and autonomous."

The heroic, patriotic image continued in wartime movies such as "To the Shores of Tripoli" (1942) and "So Proudly We Hail" (1943). In these movies, the nurses are professional, courageous, self-sacrificing and perfectly at ease at working alongside men. The film "Sister Kenny," starring Rosalind Russell as the nurse who revolutionized the rehabilitation of polio patients, enhanced the image of nursing even more. Here was a women who defied male doctors to bring better care to patients.

In the postwar baby boom era, nurses' image changed again with the times:

"I'll keep a nice house for you . . . I'll read all the clever magazines so I'll be able to say smart things to your friends . . . And when you're sick I'll nurse you . . . I'll pretend I'm a patient. Then in your private office we'll make love." So says military nurse June Allyson to Army surgeon Humphrey Bogart in the 1953 film "Battle Circus."

It's not exactly what Florence Nightingale would have said after returning from the Crimean War. Even Hot Lips Houlihan from "M*A*S*H" would have gagged on the lines.

But as the Kalisches' study makes clear, the media image of the nurse paralleled the dominant perception of women at the time as submissive helpmates, loyal and romantic, not too bright, but inspirational—a kind of moral prop for men. Since then, it's all been downhill to today's image of the nurse as dumber, kinkier and less trustworthy than her colleagues of past generations.

What the national Commission on Nursing is calling for is the return of Florence Nightingale as noble careerist who will help overhaul health care in this country to meet the changing needs of society.

Certainly the stage is set for a revitalized role for nursing. Given the high costs of care, the specialization of doctors and the chronic problems of most diseases, nurses see themselves in a ideal position to provide quality care to a wide range of people who aren't sick enough to see a doctor but are still sick enough to require medical attention.

"That's the message we want to get across," says the Nursing League's Miraldo. "There's a lot nurses can do—in collaboration with doctors, not in a subservient mode. Then we'd recruit talented men and women."

A good place for nurses to start on their media crusade might be with the scriptwriters for "Nightingales." Put Suzanne Pleshette on the hospital board—(it's easier to get a parking space that way), upgrade her education and sense of humor and give her a social life that includes more than playing moral prop to that horny, simpering widower doctor or den mother to those deranged hormonettes. Instead of all those shampoo scenes and heavy pouting, what about some real nursing action in the coronary care unit?

Think about it: the next time you're in the hospital and ring for the nurse, who would you like to get? A Bedside Bimbo? An Angel of Mercy? A Nazi Vampire? Sairy Gamp? Or Florence Nightingale?

SCOUTS OF AMERICA

Mr. BOND. Mr. President, I rise today to honor the Scouts of America and recognize a special group of Cub Scouts who are visiting us today. My wife and I have had the pleasure of serving as den parents for Cub Scout Den 4 of Pack 666 and we have gained a new appreciation of the value of scouting as well as a deep gratitude for all of the adults who work so tirelessly to help young people through scouting.

To celebrate President's Day last week, Den 4 Cub Scouts prepared essays on a number of our earlier Presidents and discussed them at the den meeting. Jamie Poist described the life and career of George Washington. Derek Wilcox wrote about Thomas Jefferson. Andrew Steele did his essay on James Monroe. Charles Darling discussed the work of Andrew Jackson. Carter Morris wrote about Abraham Lincoln. Sam Bond described the career of Ulysses S. Grant. And Cabel Hobbs wrote about Teddy Roosevelt. In the discussion period the Cub Scouts noted that it was significant that these outstanding Presidents had suffered major reverses in their lives yet they did not let the disappointments deter them from service to their country. It is important for all of us to realize that disappointments and temporary setbacks afflict even the most successful. The Cub Scouts have a better understanding that coming back from adversity is an important challenge for all of us.

Founded on February 8, 1910, here in the Nations Capital, the Boy Scouts of America is an organization dedicated to citizenship, character building and physical fitness. Chartered by Congress in 1915, its goals today remain the same as stated then:

To promote, through organization, and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in Scout ways, and to teach them patriotism, courage, self reliance and kindered virtues using the methods which are now in common use by the Boy Scouts.

I am certain that there are many in this body that have lasting memories of Scout camping trips and the many adventures experienced.

President Bush has stressed the importance of volunteer service organizations to help promote a kinder and gentler nation. The Boy and Girl Scouts of America are such organizations that benefit all involved.

For the youth of America, the Scouts offer experiences which helps prepare them for the challenges of life. For the many adults that volunteer their time, the scouts allow them to interact with youths to impart their knowledge and experiences while promoting service to their community. The Scouts stand strong as a symbol

of service to others and dedication to the ideals have made America great.

In closing, I am proud to honor the Scouts of America and the positive role it plays for all involved.

AMERICAN HEART MONTH

Mr. STEVENS. Mr. President, by a joint resolution in 1963, Congress requested the President to issue annually a proclamation designating February as American Heart Month. At one of his first ceremonies as the 41st President of the United States, George Bush, a former American Heart Association [AHA] volunteer, signed the 25th anniversary proclamation. During American Heart Month, I encourage my colleagues to join me in saluting the American Heart Association's efforts to achieve its mission, the "reduction of premature death and disability from cardiovascular diseases and stroke," the leading cause of death in the United States.

In order to accomplish its mission, the American Heart Association, a nonprofit voluntary health organization funded by private contributions, its 56 affiliates, and approximately 2.4 million volunteers, has made disease prevention its top priority. Since 1949 the AHA has contributed more than $754 million in research, second only to the federally sponsored National Heart, Lung, and Blood Institute [NHLBI] in the amount devoted to cardiovascular research. In its 1988-89 fiscal year, AHA expects to spend more than $63 million to finance hopeful scientific studies. The AHA reports that in addition to its national research program, in 1988-89 its 56 affiliates are supporting 1,118 new research awards.

I am proud of the Alaska Affiliate's contribution to this effort. During this period, they are supporting a University of Alaska, Fairbanks' School of Fisheries & Ocean Science study of blood flow to the heart and its relationship to low oxygen levels in seals.

Together the respective research, prevention, and education programs of the AHA, the National Heart, Lung, and Blood Institute [NHLBI], and the National Institute of Neurological Diseases and Stroke [NINDS] have made great strides in the battle against cardiovascular diseases and stroke. AHA reports that from 1976 to 1986 the age-adjusted death rate from heart attack declined by 27.9 percent and that from stroke fell by 40.2 percent.

Unfortunately, the battle has not been won because these diseases are still the No. 1 killer in the United States, claiming nearly 1 million lives each year. According to the AHA, in 1989 heart attack will strike approximately 1.5 million Americans, killing over 500,000 and that stroke will affect around 500,000, killing about 150,000. In addition, more than one in four Americans suffer some form of cardiovascular disease. The AHA estimates that the cost associated with cardiovascular diseases in 1989 will be an estimated $88.2 billion in medical expenses and lost productivity.

Mr. President, this Nation has the potential to make continued progress in the fight against this No. 1 killer; however, additional advances are contingent on sufficient Federal funds. I urge my colleagues to reaffirm our commitment to reducing death and disability from cardiovascular diseases and stroke by devoting adequate Federal funds for biomedical research, prevention, and education.

I ask unanimous consent that this year's Presidential proclamation be printed in the RECORD.

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

[A Proclamation by the President of the United States of America]

AMERICAN HEART MONTH, 1989

Twenty-five years ago, the Government of the United States of America proclaimed its cooperative support of the fight against the Nation's leading killer—heart disease. This year, as in each year since, that support continues.

Diseases of the heart and blood vessels will claim the lives of nearly one million Americans this year. About one-half of all deaths each year are attributed to cardiovascular diseases—almost as many deaths as cancer, accidents, respiratory diseases, AIDS, and all other causes of death combined.

Nearly 66 million of our citizens, more than one-fourth of our population, suffer from some form of cardiovascular disease. High blood pressure alone threatens the lives of more than 60 million Americans age 6 and older. Heart disease strikes regardless of age, race, or sex. Its toll in human suffering is incalculable.

The American Heart Association, a not-for-profit volunteer health agency, estimates the economic cost of cardiovascular diseases in 1989 will be more than $88 billion in lost productivity and medical expenses. Each year, cardiovascular diseases account for more than 2 million years of potential life lost, based on a life span of 65 years.

But we are making progress. The American Heart Association and the Federal Government, through the National Heart, Lung and Blood Institute, have been working together since 1948 to find better ways to prevent cardiovascular diseases and stroke and inform the public and educate the medical community about the most effective techniques to treat these diseases. Most recently, the National Cholesterol Education Program was instituted to educate consumers about the dangers of high cholesterol levels. At the center of the National Cholesterol Education Program is its coordinating committee of over 20 member organizations representing major medical associations, voluntary health organizations, community programs, and Federal agencies involved in health and cholesterol education.

Medical advances such as new surgical techniques to repair heart defects, improved pharmacological therapies, emergency systems to prevent death, and knowledge to prevent heart disease from occurring have significantly reduced premature death and disability due to cardiovascular diseases and stroke. From 1976 to 1986, the age-adjusted death rate for cardiovascular diseases dropped 24 percent. But there is still more to be done. One American dies of some form of cardiovascular disease every 32 seconds.

Cardiologists and other health professionals are seeking to reduce the risk of heart disease, stroke, and atherosclerosis. By encouraging Americans of all ages to control high blood pressure, stop smoking, reduce their intake of cholesterol, saturated fats, and sodium in their diets, and exercise regularly, many deaths can be prevented.

The Federal Government supports a wide array of cardiovascular research projects and encourages all Americans to reduce the risks of heart disease by maintaining good health habits.

The American Heart Association and its more than 2.4 million volunteers have contributed to this effort through their support of research and the shared commitment to educate Americans about the need to adopt a sound regimen of proper diet and exercise.

Recognizing that Americans everywhere have a role to play in this continuing battle against a major killer, the Congress, by Joint Resolution approved December 30, 1963 (77 Stat. 843; 36 U.S.C. 169b), has requested the President to issue annually a proclamation designating February as "American Heart Month."

Now, therefore, I, George Bush, President of the United States of America, do hereby proclaim the month of February 1989 as "American Heart Month." I invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in reaffirming our commitment to combating cardiovascular diseases and stroke.

In witness whereof, I have hereunto set my hand this twenty-first day of February, in the year of our Lord nineteen hundred and eighty-nine, and of the Independence of the United States of America the two hundred and thirteenth.

GEORGE BUSH.

UNITED NATIONS HUMAN RIGHTS REPORT ON CUBA

Mr. GRAHAM. Mr. President, I would like to introduce into the RECORD a statement Ambassador Armando Valladares, our representative to the U.N. Human Rights Commission, made last week in Geneva applauding the United Nations for its first-ever Cuban human rights report.

The report paints a graphic picture of the repression that has been visited upon the Cuban people by Fidel Castro, who after 30 years in power, is now the longest running dictator in Latin America.

What makes this report so valuable is its balanced and factual approach. According to Ambassador Valladares, the report "does not judge the facts but rather shows in an impartial manner what the Cuban Revolution has denied for 30 years: The fact that there are violations of human rights in all categories and dimensions, almost without exception."

U.N. officials received "137 complaints of torture, cruel, inhuman, or degrading treatment or punishment" during their 10-day stay in Cuba last September. Moreover, the U.N. accused the Cuban officials in their report of breaching their promise not to harass those who complained about human rights abuses before the Commission.

Mr. President, I believe Ambassador Valladares deserves our thanks and congratulations for a job well done. As a result of his leadership, we have reached the point where the United Nations has finally addressed widespread human rights violations in Cuba.

This is due in no small part to the unflagging efforts of Ambassador Valladares, who himself was a prisoner in Castro's jails for 22 years. His release in 1982 came about as a result of an international campaign of protest.

Because of his experience, Ambassador Valladares understands just how important a report like this can be in focusing attention on the repressiveness of the Castro regime.

I commend his statement to my colleagues and I ask unanimous consent that it be printed in the RECORD.

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

UNITED STATES PLEASED WITH UNITED NATIONS REPORT ON CUBA; STATEMENT BY AMBASSADOR ARMANDO VALLADARES, U.S. REPRESENTATIVE TO THE UNITED NATIONS HUMAN RIGHTS COMMISSION, FEB. 24, 1989, GENEVA, SWITZERLAND

Today is a great day for the United Nations. After reading the Report from the Cuba Work Group (CWG), I can tell you that, on balance, we are pleased. The report reflects and gathers the official version of the Cuban reality, but it also received the accusations, documents and testimonies of the people, the victims. We applauded the dedication of the CWG under Ambassador Alioune Sene's chairmanship, as well as the time and effort put into the physical production of the report by the Secretariat.

This report does not judge the facts but rather shows in an impartial manner what the Cuban Revolution has denied for 30 years: the fact that there are violations of human rights in all categories and dimensions, almost without exception. There are well-documented violations and even official admissions of these violations on the part of Cuban functionaries.

The report demonstrates that the constitutional and legal system is structured contrary to the letter and spirit of internationally accepted human rights standards.

I think you may not have had time to read it, but the essence of the report, the compendium of all the denunciations, can be found in the annexes.

There are cases of torture, missing people, religious persecution, violations of all the civil and political rights and violations of economic and social rights. For instance, the Working Group received denunciations of massive beatings. In Chapter III, paragraph 4, the Minister of the Interior admitted that in the past detained individuals and prisoners were beaten and that Cuban laws were draconian.

In the annexes—legally a part of the report itself—you will find a copy of the sentence of Ruben Hoyo Ruiz, convicted solely for the possession of one Bible and you will find the sentence of Arturo Garcia Rebollar, accused in a surrealistic trial for the possession of a translation of the prophecies of "Nostradamus." The National Union of Writers and Artists of Cuba (Union Nacional de Escritores y Artistas de Cuba—UNEAC) decreed that those predictions made 500 years ago were anti-Soviet.

On the other hand, the Cuban government lied to the Working Group; one of the times they told the Working Group that the Quivican Prison had been shut down. This is false. Comments in the Annex of the Report prove this. The Cuban authorities also transformed the punishment and torture cells in the Prison of Combinado del este to deceive the Commission. But photographs were taken of these transformations and they clearly document the deceptive measures. Finally, we have been able to discover that the Cuban Government lied to the Working Group citing false numbers on the statistics of public health in Cuba. Official United Nations statistics prove this. The same was done with numerical figures on education and housing.

The Cuban Government gave the Group and President Sene guarantees that there would be no reprisals taken against those who came to testify. This has not been the case; dozens of people have been arrested and beaten. These people burned their bridges when they openly testified to the Commission. The report speaks of reprisals, and these people must not be abandoned; the international community has a commitment with them. That is why I feel this process has just begun. You will see in the report that there are hundreds of questions which the Group directed to the Cuban Government for its comments, but they have not been answered. Thousands of cases of allegations of violations of Human Rights were sent to the Cuban Government on August 29, 1988; the Cuban Government has not even issued a return receipt. Subsequently, 1500 other cases which were sent have not received any reply either. The questions on the Constitution and the Penal Code have not been answered, either.

The final consideration, the most important one and one which deserves undivided attention, is a clear recommendation for the process to continue; in other words, the need not only to maintain, but also to reinforce the spirit of international collaboration on this case.

In conclusion, I want to repeat that today is a great day in the struggle for human dignity. The truth always comes to light. There is the report. You will see that in Cuba Human Rights are violated, there are cases of grave violations; for example, during its visit to Cuba the secretariat on behalf of the group received a total of 137 complaints of torture, cruel, inhuman or degrading treatment of punishment, missing people, murders, lack of freedom of religion, lack of freedom of expression or thought, lack of all fundamental liberties.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. CONRAD). The time for morning business has now expired. Morning business is closed.

OMNIBUS COMMITTEE FUNDING RESOLUTION FOR 1989 AND 1990

The PRESIDING OFFICER. Under the previous order, the hour of 4 p.m. having arrived, the Senate shall proceed to the consideration of Senate Resolution 66, which the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 66) authorizing biennial expenditures by committees of the Senate.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Will the Chair advise the Senator as to the time agreements as they relate to Senate Resolution 66.

The PRESIDING OFFICER. The chair is pleased to do that.

The agreement that has been entered into includes 30 minutes to be equally divided between the Senator from Kentucky and the Senator from Alaska. On the resolution there is 1 hour equally divided. On the amendment of the Senator from North Carolina, there is 1 hour equally divided. On the amendment of the Senator from California, there is 1 hour equally divided. There is an additional 15 minutes that has been allotted to the Senator from Rhode Island [Mr. CHAFEE], on the amendment of the Senator from North Carolina.

Mr. FORD. Now, let me repeat that to be sure this Senator understands it. On Senate Resolution 66, there will be 30 minutes equally divided between the Senator from Kentucky and the Senator from Alaska.

The PRESIDING OFFICER. That is correct.

Mr. FORD. Second, there is an amendment by Senator HELMS of North Carolina on which there will be 1 hour and 15 minutes, 30 minutes equally divided, with an extra 15 minutes going to the distinguish Senator from Rhode Island [Mr. CHAFEE].

The PRESIDING OFFICER. That is correct.

Mr. FORD. And then on the amendment of the Senator from California, there will be 1 hour equally divided.

The PRESIDING OFFICER. That, too, is correct.

Mr. FORD. I thank the chair very much. My distinguished friend from Alaska is here and we will proceed under the consent to the consideration of Senate Resolution 66.

Mr. President, today we are considering Senate Resolution 66, the Omnibus Committee Funding Resolution of 1989 and 1990, which authorizes expenditures for committees of the Senate. The accompanying report, 101-3, explains it in detail. The ranking member of the Committee on Rules and Administration, the senior

Senator from Alaska, and I have worked closely on this authorization.

On October 12, 1988, the Rules Committee sent to all Senate committees budget packages for 1989 and 1990. Our guidelines to committees at that time were that the total increase for committees must be consistent with the fiscal year 1989 legislative branch appropriations bill which mandated that any pay raises for fiscal year 1989 shall be absorbed within the levels appropriated in that act.

The Rules Committee then notified all committees on January 10, 1989, that for the 1989 funding period ending February 28, 1990, each committee's salary baseline may be increased by 10 percent over the 1988 salary baseline reported in Senate Report 100-287. Likewise, the 1990 salary baseline could only be increased by 2 percent, the amount requested by the President for the fiscal year 1990 January COLA. In addition, committees were instructed that they could budget the 1990 January COLA for 2 months at 2 percent and the 1991 January COLA for 2 months at 3 percent.

At that time, all committees were again put on notice that any increases in the salary baselines were dependent upon the availability of appropriations included in the legislative branch appropriations bill for fiscal year 1989. Committees were also informed that it was the Rules Committee's intention to fully comply with the mandate of absorbing salary increases within the levels appropriated. Most committees closely followed the Rules Committee's guidelines in requesting funds for the 2-year period.

In the past, Rules Committee authorizations have stressed frugality, with authorized adjustments made only for the yearly COLA. In 1989, a 4.1-percent COLA increase in salaries was authorized. That figure, subtracted from the 10-percent guideline, left only 5.9 percent for real growth over the 2-year period. On a yearly basis, that amounts to just 2.95 percent in real growth.

Mr. President, the Rules Committee guidelines for committee funding for 1989 and 1990 will retain an austerity policy, and will keep the total authorized amount for the biennial budget period within available appropriations.

I would like to state for the record that the Banking Committee has made a good, justified case for an increase beyond the 10-percent guideline to hire 16 additional staff. In order to address the special needs of the Banking Committee's increased workload, Senate Resolution 66 contains funds for nine staff positions on a nonrecurring basis for 2 years. One new staff position requested will be absorbed within the 10-percent guidelines recommended by the Rules Committee. Funding for six additional staff positions has been included on a recurring basis. I would like to point out, Mr. President, that the budget base for committee funding for the 102d Congress will be the recurring amounts only. In the future, special needs of committees will continue to be considered and funded only on a nonrecurring basis.

In summary, the recommended 1989 recurring funding is $51,986,059. The recurring funding authorization for 1988 was $47,002,568. In 1989 recurring funds recommended are 10.6 percent greater than the 1988 recurring budget authorization. The recommended 1990 recurring funding is $53,042,703 which is only 2 percent greater than the 1989 recommended recurring funds.

Mr. President, the committee budgets for 1989 and 1990 recommended by the Rules Committee are not lavish. In considering Senate Resolution 66 today, I recommend that we approve the budgets as requested.

One last point I would like to make for the record is in regard to section 24 of the resolution. This section revises Senate policy on mass mailing to make Senate policy consistent with the current policy of the other body.

Mr. President, there are several points I feel need to be emphasized. No. 1, funding authorized in this resolution falls within the existing available appropriated funds. No supplemental appropriations will be required. The resolution is a biennial authorization for the 101st Congress. A rather austere funding policy will continue for Senate committees. When COLA's are considered, these recommendations permit less than 3 percent real growth each year of the 101st Congress. No real growth was authorized in the last budgets, so we have been on a very tight budget for each of the last 2 years and this budget for the next 2 years is extremely tight also.

A new policy is initiated to fund special needs from nonrecurring funds rather than an incremental increase in the budget base that stays on and on, long after the exceptional workload of the committee subsides.

Let me explain that, Mr. President. In this particular budget cycle, the Committee on Banking, Housing, and Urban Affairs is faced with several major questions, one being the savings and loan issue in this Congress. The Rules Committee agreed that extra funding was needed for this committee to handle that tremendous workload. But rather than build these funds in the budget base, the Rules Committee recommends to the Senate that the amount authorized be nonrecurring. This means that these funds will not be a part of the budget base for the next funding period in the 102d Congress.

Next, Mr. President, the resolution also includes a provision on Senate official mail. The revision makes a Senate policy on official mail consistent with the policy of the other body. Last year, the other body spent over 95 percent of the dollars appropriated for franked mail for both bodies. Only $54 million was appropriated for 1989 with the expectation that in the Senate that $27 million would be carried forward from 1988, making $82 million available in 1989.

Since the House has spent $77 million, the $27 million carried forward that was on the books is not available; no money. Therefore, only $54 million is available in the current year. Under existing policy, the Senate would assume one-half of this amount as available for the Senate. This would mean a 40-percent reduction in franking privileges from last year for some Members if no changes were to be made. I see no fairer resolution, Mr. President, to this issue than consistency between the two bodies so long as there is a single appropriation fund.

Let us remember that each constituent has one Representative and two Senators, yet the other body outspends the Senate for franked mail by better than a 2-to-1 ratio. Will it cost more? That depends on the practice under the new policy. For Members who do not mail newsletters now and do not mail them under the new policy, the cost will be the same. If a Member increases his mailing, the cost will increase. But the Rules Committee, as it has in the past, will carefully monitor these costs.

Mr. President, in conclusion, let me repeat: Existing available appropriations are adequate to cover the funds authorized in Senate Resolution 66, and I urge its adoption. No supplemental appropriation will be necessary because of this authorization.

I yield to my good friend from Alaska.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, Senate Resolution 66 is different than committee funding resolutions reported out of the Rules Committee in prior years. Last fall, on September 22, 1988, the Committee on Rules and Administration reported out favorably Senate Resolution 479, an original resolution to amend rule XXVI of the Standing Rules of the Senate. Senate Resolution 479 was agreed to by the Senate on September 30, 1988. The purpose of that resolution was to authorize the Rules Committee to report 2-year authorizing resolutions (biennial budgets) for committees of the Senate and to report one authorization resolution (omnibus resolution) for either a 1- or 2-year budget period.

Senate Resolution 66 should be adequate for the biennial period and not require a supplemental to the authori-

zations. In providing for the needs of the Senate committees during the next two committee funding periods, the amounts included for authorizations in the aggregate have stayed within the available appropriations funded in fiscal year 1989.

I stated at the opening of the committee budget hearings and want to reemphasize now, those of us on the Rules Committees do not expect to come back with a supplemental request. Committees are on notice that they should be very careful in managing their budgets. My desire is to see that the new committee biennial budget works.

This desire has led me to side with the chairman, and ranking member of each committee. We have sided with the committee chairman and ranking member of each committee when questions have arisen concerning funding of those individual committees.

On the other hand, I must state that I do not think that the Rules Committee has been generous with the committees. We have through these consultations brought in I believe a resolution with minimal funding to meet the needs as outlined by the various committees especially in view of the challenges that the individual committees face in the coming 2 years.

I concur with the remarks of my good friend from Kentucky and point out that the section 24 of this resolution dealing with changes in mailing allocations should bring about an equality with the House of Representatives on the use of mass mailings. It is long overdue. I support this resolution. I will have more to say about the mass mailings at a later time, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. I wonder if I might ask a question. Whose time can I take it from?

Mr. FORD. Take it from mine.

Mr. CHAFEE. I have some time coming up on the question on the Helms resolution, but I would just as soon use the time now as these same questions pertain.

Mr. FORD. We only have 30 minutes on this. The Senator has an hour and 30 minutes on the Helms amendment. I would appreciate it under the time restrictions.

Mr. CHAFEE. If anybody else wants time now, I will hold up.

Mr. FORD. I do not think we have anybody who wants time. The time would be available when Senator Helms lays his amendment down.

Mr. STEVENS. We have reserved our time, Mr. President, so we might answer questions at a later time. We just have 30 minutes divided between the two of us on the resolution itself.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. 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. CHAFEE. 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. CHAFEE. Mr. President, is there any objection to my taking 10 of my minutes of the 15 minutes I had on the Helms amendment and using the time?

Mr. FORD. No objection.

Mr. STEVENS. No objection.

Mr. CHAFEE. Furthermore, if I do not use that 10 minutes now, I would like to yield that back to the balance that I have on the amendment.

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

Mr. CHAFEE. Mr. President, if I might direct a question to the distinguished chairman of the Rules Committee, in looking over the budgets for the various committees, if I might first just briefly run down them—and I am running them down in the order of the amounts that they receive—there are 19 total committees that are receiving money. I will not go through them all. I will go through the top ones. Labor—under this amendment—has about $5 million and 124 employees; Governmental Affairs, again, close to $5 million and 120 employees; Judiciary, $4.7 million and 138 employees; and Appropriations, $4.7 million.

Then you get to a committee that is, I think, as busy as any committee in this Congress, the Finance Committee which is number seven.

It does not have $5 million; it has $2.7 million, less than $2 million, or nearly 50 percent less than the Labor, Governmental Affairs, and Judiciary Committees, and I recognize that I am rounding my figures a little bit here. That I do not understand.

In other words, my question to the distinguished chairman of the committee is: On what basis are these allocations made? Is it a historic basis that powerful chairmen once upon a time were in these major committees and built up substantial payrolls?

I do not think anybody on this floor would suggest that the Judiciary Committee has a heavier burden than the Finance Committee. I recognize that the Judiciary Committee has numerous judicial selections come before it, and they must investigate those, but, in all fairness, that is done by the FBI.

So I would just like some enlightenment to see on what basis this is done.

Mr. FORD. I say to the Senator that in some respects I agree with what he is saying and the questions he is asking, but we were reasonably meticulous with the chairmen and ranking members of each committee. They came before the Rules Committee and laid out their need for this money, based on the number of pieces of legislation that come through their committees, the number of hearings they hold, the number of consultants they need in various and sundry areas.

So we limit the growth and we have limited the growth to basically the COLA for the staff and a 3-percent growth. The larger the committee and the larger the funding, 3 percent seems like it is a larger amount. But I asked each one and instructed each chairman and ranking member that once this committee budget is in place, then we will have the committee look at zero budgeting.

We are going back to the basic need of the committee. We will start at zero and then have them come before the committee and tell us why they need to go forward.

The problem is, yes, these committees are larger. Take the Judiciary Committee: They have had hundreds and hundreds of judicial appointments. The Senator said the FBI does most of the work, but there is work by the committee. There are all kinds of Justice Department things that go to the Judiciary Committee. I am not here to defend any one committee over the other. The only thing I know is that the chairman and ranking member came before the committee. They made their case, and in the judgment of the Rules Committee, based on what they asked us for and the criteria we set, we approved the budget from which the Senator is reading.

Mr. STEVENS. Mr. President, will the Senator yield on our time?

The PRESIDING OFFICER. The Senator from Rhode Island controls the time at this point. So if anybody is seeking time, it would be off his time.

Mr. CHAFEE. My time is going to run out very quickly. Ten minutes goes fast. Could they possibly respond on their time? Would that be fair?

Mr. STEVENS. I am happy to respond using some of the balance of my time for just one comment, Mr. President.

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

Mr. STEVENS. I call the attention of the Senator from Rhode Island to the Joint Committee on Taxation. I defend the concept of joint committees because of the use of shared staff. They prepare the revenue estimates used by both the House Ways and Means and Senate Finance Committees; $4.422 million is spent in the Joint Committee on Taxation. We take that fact into consideration when we look at the level of funding for the Finance Committee in the Senate as compared to other committees. They do not have a joint committee on the judiciary, but the Finance Committee has a Joint Committee on Taxation.

As a matter of fact, there is another joint committee, a Joint Economic Committee, that also overlaps to a certain extent the functions of the Finance Committee and the Ways and Means Committee.

It would be hard to take a committee and say, "Look, we have a greater function than you, and you have more money than we have." Therefore you should be cut. We have had a balance, I think, in terms of these committees. We must look at factors such as the services of joint committees.

I agree with the statement of the Senator from Kentucky regarding the historic aspect of some of these committees. But there is an ongoing funding basis for committees now, and both the chairman and ranking member, and I might say, by inference, all other members of the committees, supported the request that came to us.

I might say that there ought to be members here from the individual committees defending their staff and budget levels, and not let the burden fall just on the Rules Committee, which has already held their request down.

Mr. CHAFEE. Well, I am not here to be a nitpicker or a complainer. I do not want to use the Finance Committee as an example. I am not the ranking member, and I am not the chairman. The distinguished Senator from Alaska is absolutely right, that there is a Joint Committee on Taxation, but I think it is also fair to point out that that committee deals with trade, Medicare, Medicaid, Social Security, catastrophic illness—all of those mammoth problems.

The thing that bothers me is that what happens is that by giving an across-the-board percentage increase of 10 percent, basically what you have done, and I know it shades a little bit, is to compound inequities.

In other words, if a committee is getting what you might say is too much, by giving it 10 percent, you are giving it 10 percent of $5 million, a lot more than 10 percent of $2.7 million. I am not saying the other committees are starved. I do not think there is a single committee here than cannot get along with the amount that the Rules Committee has given them. I am not here to plead for more. I am here to say that it just appears that we are being extravagant.

If indeed you are going to so-called zero budgeting, starting at the beginning and examining, now, why does the Labor Committee have to have 124 employees and more money—twice as much as the Agriculture Committee and the Banking Committee? If you are doing zero budgeting, when does it start? As I understand, that is a 2-year budget.

Mr. FORD. That is correct. They would start at the beginning, hopefully, of the 101st Congress, at the oversight hearing.

Mr. CHAFEE. The 102d.

Mr. FORD. The 102d; I am sorry. We will have oversight and begin to work methodically and have hearings periodically, and hopefully at the end of this Congress, we will be able to make a recommendation to all the committee chairmen that will be satisfactory. It will be irritating to most of the chairmen.

Mr. CHAFEE. No question.

Mr. FORD. I hope that the Senator respects my reluctance to get into it, but I intend to do that, and I suggested that to every chairman and ranking member that came before the Rules Committee. Yes, there is a historical base here, but it is also a base that we held down for the last 2 years at zero.

Now, this year we are giving a modest 3 percent. When one looks at the Finance Committee and at all the costs of the information that is needed for the committee, it has gone up more than 3 percent. They are absorbing a great deal of inflationary costs, and that will be a 4-year period, not just a 2-year period, because we zero based them for the last 2 budget years, and only a modest 3 percent increase average over the next 2 years. So when you take the COLA's that all of our employees are entitled to and you give that to the chairman and ranking member to pay both the majority and minority, then you find yourself in a little less than 3 percent average growth over the next biennium.

Mr. CHAFEE. Well, I do not want to beat this to death here, but the distinguished Senator from Kentucky mentions 3 percent several times. As I look at this, this was roughly 10 percent. Is the Senator saying because it is over 2 years?

Mr. FORD. No. There is a 4.1-percent COLA that is automatic. That is the pay increase that all Government employees received, or Senate employees received. Take that 4.1 from the 10, and it gives you 5.9, and 2 percent for the next year, and that is a little over 7. So it is roughly a little better than 3 percent or average 3 percent growth over each of the next years beyond their normal pay raise that the Senator's staff, the committee staffs, earn, and other employees are also entitled to it.

Mr. CHAFEE. The Senator means outside of pay, which is the COLA's?

Mr. FORD. That is correct.

Mr. CHAFEE. It is 2 percent or 3 percent, whatever it may be.

Mr. FORD. Roughly around 3 percent average over the next 2 years each year.

Mr. STEVENS. Mr. President, will you yield a second?

Mr. FORD. I yield.

Mr. STEVENS. That includes the increase of cost of training, travel, subscriptions, everything; at a time when the cost of living is 4 percent, we are requiring the committees to hold their office cost down on an annual basis. I am sure the Senator understands that.

We did limit the Committees in terms of their possible expansion.

Mr. FORD. I might say to the good Senator we have already started monitoring workload productivity and ranking for the Senate committees and we can tell the Senator almost to the committee how they rank in productivity, how they ranked in workload, and how they ranked in employees versus the number of hours spent. So we are beginning to get into it, and hopefully we are on the right track and one that the distinguished Senator from Rhode Island would agree with.

Mr. CHAFEE. I believe that probably uses my time anyway.

The PRESIDING OFFICER. The Senator has 36 seconds remaining.

Mr. CHAFEE. Mr. President, I commend the Senator for his efforts in this in trying to get some kind of a rational, if I might say, basis to establish on what basis the budgets are approved, that is, the workload. It has obviously got to be more than bills considered or bills. In another committee I am on, the Environment Committee, something like the clean air bill is one bill but it is a monstrous bill and to equate that——

Mr. FORD. You have to take those by sections. You have various sections on that bill and have to look at time spent on hearings and hours of staff input in order to come up with the workload to substantiate whatever budgets we look at as it relates to the zero budgeting procedure.

The PRESIDING OFFICER. Senator CHAFEE's time has expired.

Who yields time?

Mr. FORD. I will yield him my time.

Mr. CHAFEE. I guess we are all going to be here in the 102d Congress, so I look forward to seeing this zero-based budget come into effect because I think it is the right way to proceed.

I know the chairman has a very difficult job. No one comes to him and says, "Cut my budget," and indeed I did not. I appeared before him and, like a stalwart, I stood for my committee budget. Who does not? I guess it is the feeling everybody wants to be treated fairly. If something is to be had, they want it proportionately, obviously.

I commend the distinguished chairman and ranking member to look at this from a fresh look, even though it is 2 years away. I hope it is successful.

Mr. FORD. Let me just say to my good friend that we look forward to his input. We ask him to come before the committee and testify and to make a record as it relates to how his feeling is as to the appropriations or the ap-

propriations for the various and sundry budgets.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

AMENDMENT NO. 7

(Purpose: To strike the provision in the resolution that would abolish the present spending cap on use of the Frank by Senators)

Mr. WILSON. 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 California [Mr. WILSON] for himself and Mr. NICKLES, proposes an amendment numbered 7.

In the resolution, strike out section 24.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I have many times taken to the floor of the Senate to complain about our abusive use of our Constitution privilege of the frank—the right to send mail without concern for the cost.

Mr. President, I am concerned about the cost, for as the old saying goes, there is no free lunch; there is also no mailing privilege. It may be free to the Members of Congress. It is not free to the taxpayers.

Someone must pay for the millions of dollars in costs we run up each year sending out only slightly veiled campaign literature—so-called newsletters—and that someone who must pay is the American taxpayer.

It is bad enough that in an election year the Congress is spending more than $100 million of our constituents' tax dollars on our own mass mailings. And it is even worse that we are outspending our appropriations—we are overdrawing our mailing account each year—so that we must provide supplemental funds bills just to make up the difference.

The resolution now before us would authorize a magnificent leap in expenditures which we lavish upon ourselves—a leap so large that it would make Superman proud; a leap so large that it would make the 50-percent pay raise proposal appear almost modest.

Last year—an election year—the Senate spent approximately $35 million on mail costs. If the proposed section 24 of the resolution were in effect, the total limit on our spending—and I use the word "limit" with tongue planted firmly in check—the limit would have been over $180 million. That is an increase of more than 500 percent.

You might say, "No, this cannot be. No one would suggest such an outrageous increase." But it is true.

I mean, a 500-percent increase. And we complain to physicians about the spiraling cost of doctors' bills and what they ask in the way of Medicare reimbursement.

One thing is for certain, when it comes to parsimonious Federal budgeting, this will be viewed quite appropriately as a grab for self promotion, proving the old adage that charity begins at home.

First, I must give credit to Roll Call, a local newspaper, that covers the scene behind the scenes on Capital Hill.

Mr. President, this headline reads: "Senate Unleashes Frank Mail, Dramatic and Costly Increase Expected."

They have not overstated the case.

If it were not for this article in the current issue of Roll Call, I confess I would not have known about this attempt to increase this funding fivefold. Certainly I would not have learned of it merely from the face of the resolution nor from the Rules Committee report.

Some of the numbers that I have used come from Roll Call, but we have independently verified those.

Under present Senate rules, each Senator is limited to spending a certain amount on mail costs. This amount is determined by splitting the total congressional mail appropriation in half—half to the House, half to the Senate—and then allocating that total to each Senator on a per capita basis with a few adjustments for small States.

Section 24 of the committee funding resolution would abolish this limit that restrains spending. In its place, it would restrict one category of mail, that for postal patrons, that is to say those mailings of material that are simply delivered to every mailbox in a specified area—countywide to statewide—without a specific addressee. The limit would be 6 mailings per year under this postal patron limitation, which for my State would mean a so-called limit that would permit the mailing of approximately 65 million pieces of mail per year. That is just for me. If my colleague were to do it, it is $130 million.

This "limit" would not affect mailings of notices of town meetings, which last year, when there was a limit, cost more than $3 million.

This so-called limit would also not restrict mass mailings when the addressee is specified. So, this limit would actually not restrict mailings of newsletters, as long as any sent in excess of six postal patron mailings per year were individually addressed.

This proposal is not a limit; it is an invitation to excess.

Let me inform my colleagues as to how I arrived at a cost of $180 million.

Consider the following numbers: First, each piece of mail sent out in a presorted mass mailing costs approximately 13 cents; second, there are approximately 103 million mailing addresses nationwide. If you multiply the first number by the second, that is the 13 cents by 103 million mailing addresses and then multiply that number by two, since each State has two Senators, then mulitply that number by six, since six postal patron mailings are permitted under the so-called limit, you come out with an amount that is in excess of $160 million. When you subtract out existing costs for postal patrons—to avoid double counting—then add the approximate costs of sending town meeting notices and mail specifically addressed to an individual, the total conservatively estimated reaches $180 million. And even this huge number does not take into account a separate decision by the Rules Committee to abolish the paper allotment system, which was another limit on mail that has now been removed.

One point here is worth extra emphasis: The proposal in section 24 places no limit on newsletters that are individually addressed, so the $180 million figure may be much too conservative. It only limits the newsletters sent out as postal patron mailings.

In other words, after milking the Treasury for the cost of sending out six statewide postal patron newsletters, a Senator could conceivably send out an unlimited number of newsletters that are individually addressed. In the past, prior to the limits of Senate Resolution 458, this profligacy appeared to be possible. However, it was not possible due to the paper allotment system, a limitation in the amount of paper that each Senator could use have for the purpose of newsletters. Now that we no longer have a paper allotment system, unlimited mailings would be possible, with the public, as always, being stuck with the bill.

Many of us, certainly on this side of the aisle, and I think on the other, as well, complained last year about the cost of federally financed campaigns as proposed by the so-called campaign finance reform bill. We did not think the public should pay for our campaigns. We did not think that to be the most urgent call upon the Treasury at a time when we were looking for ways to cut the deficit by cutting spending for other services.

Well, as wrongheaded as we thought that proposal, it would have cost a modest amount when compared to the cost that section 24 of the committee funding resolution would impose to finance this vastly expanded mailing of congressional newsletters.

Mr. President, I continue to oppose taxpayer subsidies of campaigns and campaign materials, whether it be in the direct form of so-called public campaign financing, or in the indirect form of the abuse of the franking privilege. That is why I continue to

oppose the use of any taxpayers' money for congressional newsletters.

But I am compelled to be a realist. Unfortunately, each time that I have sought to abolish newsletters, I have lost, either on the floor of the Senate or in conference with the House. I would offer an amendment today to the resolution now before us to abolish funding for newsletters, to fund the franking privilege by which they are sent, if I thought that sentiment had gained any support in the Senate, if there had been any change of heart. Unfortunately, I do not have any evidence to suggest that sufficient change of heart.

Nevertheless, Mr. President, I cannot simply stand by idly when an attempt has been made to, as roll call has, I think, accurately stated it, unleash this system to allow a fivefold increase in the cost for our self-promotion.

We simply must not expand the present system one iota. Therefore, I have sent to the desk an amendment that would strike section 24 from the resolution by maintaining the status quo which, it seems to me, is quite expensive enough for the taxpayers.

It is my understanding that the Rules Committee, under existing law, could have made the changes contained in section 24 without the action of the full Senate. In light of the impact of the proposed change, I commend the committee for seeking direction from the full Senate rather than acting alone. This is a matter that deserves full Senate attention in the full light of day.

I also urge the committee, should my amendment pass, to reinstitute the paper allotment system and to bring to the Senate a resolution extending the spending cap contained in Senate Resolution 458 of the 100th Congress.

Mr. President, even if the House insists on continuing its profligate ways, we should not follow its example. It does nothing for us to conform our practices to that of the House of Representatives. It simply invites further excess on their part.

Mr. President, I oppose the proposed expansion of mass mailings. I, therefore, ask my colleagues to support this amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Who yields time?

Mr. WILSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Seventeen minutes remains to the Senator from California.

Mr. WILSON. Mr. President, I yield to the distinguished Senator from Oklahoma such time as he may desire.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I ask my good friend and colleague, Senator WILSON, if he has included me as a cosponsor of his resolution.

Mr. WILSON. I did.

Mr. NICKLES. I thank the Senator.

I wish to compliment him for his amendment. I also was preparing an amendment to do the same thing because I think if we allow section 24 as presently in this resolution we would be committing a serious mistake, a mistake that would be very, very expensive, a mistake that would be probably one of the more expensive things that we have done in Congress in a long time.

Section 24, for my colleagues' information—and if they are not aware of it, they could look at it in the Senate Resolution 66 as reported out by the Rules Committee—section 24(a) reads:

S. Res. 458 agreed, to September 9, 1988, is hereby repealed.

What that repeals is the paper and the dollar limitations that apply to the Senate. I think it would be a serious mistake to repeal those limitations. If we repeal them, we are going to, quite frankly, be spending a lot more on mail. Right now, we already spend a lot of money on mail. As a matter of fact, we are spending more than what has been appropriated.

I am on the Appropriations Subcommittee for the Legislative Branch. I am aware of some of the difficulties coming about, but if we repeal this, we are going to be looking at significant cost increases for Senate mail.

If you look at the paragraph under section 24, it basically states that a Senator is entitled to franked mail but may not exceed an amount equal to 6 multiplied by the number of addresses to which such mail may be delivered in the State from which the Senator was elected. In other words, you could mail postal patron to every household six times on franked mail. That is enormously expensive.

I have heard people say, "Well, they do that in the House." They can mail six times into their district, and many do. That is enormously expensive as well. A wrong in the House should not be equalled in the U.S. Senate.

What we should do is bring the House to comparable limitations in paper and in total dollar costs to what we do in the Senate. Now we will work on that effort when we are working on the legislative appropriations bill. History has been that, well, the Senate would not tell the House what to do and the House would not tell the Senate what to do. But I think we are all responsible for taxpayers' dollars and we should not continue this practice of unlimited House mailings.

Mr. President, If we do not pass the Wilson amendment, we will have unlimited mailings for the U.S. Senate, total, complete, unlimited mailings.

We just, by one section, repeal the paper and dollar limitations and by the other paragraph, paragraph (b), we say we can mail six franked postal patron mailings to every household in the districts or in the State, and not included in that limit would be any mail which would be really just a notification that the Senator is in the State for a town meeting or some other notification type mail. So actually you could mail many times above six franked mailings to every household in the State. In many States, in South Dakota, for example, that may not be enormously expensive. If you do that in the State of California, it is quite expensive.

So again I compliment my friend and colleague from California for trying to restore some fiscal discipline. If we allow this resolution to pass as it is now crafted, we will not have any fiscal discipline.

What we will have is an unbelievable increase in the cost of Senate mail. As Senator WILSON said, I think it is $30 some million, at the present time, to as much as $180 million, just for the franked mail itself. That is not being responsible. It should not happen. I hope this the Wilson amendment will pass.

I reserve the remainder of my time.

Mr. WILSON. Mr. President, I thank my friend from Oklahoma. He has been a real leader in the effort to try to curb this abuse.

Mr. President, how much of our time remains?

The PRESIDING OFFICER. The Senator from California retains 12 minutes and 20 seconds.

Mr. WILSON. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Kentucky.

Mr. FORD. Mr. President, I thank the Chair.

It is interesting how pious we can become on certain cases and when the motive of those who have given diligent thought to trying to work out something is to make us equal.

My dad always told me that when somebody is for something, it costs very little; but when somebody is against something, it costs a whole lot.

So, that is what we find here. Six mailings. Where is the appropriated funds? It is only $50 million. We want half of it and we want to share the same as the House does. But we are talking about $160 million.

Look at the appropriated funds and see how much is there. We want half of it. We want to be on the same playing field as the other body.

Let me give you an example. This year they are outspending us 76 to 24 percent now. Do you know why? It is all coming out of one fund. You do not have any money to spend. Try to mail

one after today and see what happens to you. You cannot mail a newsletter after today. Your franking privileges are over.

Yet we say we are going to spend, and this unleashes all this stuff. Well, give us an opportunity to go to the well equal with the House and, if they want to, set up separate funds. When you set up separate funds, then the light will be on us and the light will be on them. That is the effect of this resolution. If the Senator does leave it in there and does not try to take it out, the Senator will find that we can make some progress.

But, no, we have to say it is going to cost $160 million.

Let me give one example. In 1987 the Senate's one-half of the appropriations for franking mail that year was $40.7 million. The Senate only spent $19 million, of what we assume was our half. Leaving almost $21.7 million savings.

The House spent $44 million. They took up all our savings. We are not saving anything. We are just curtailing the ability of our Senators to mail to their constituents.

The House mails six newsletters annually to their constituents in their districts and they do not hear from my colleague. They do not hear from my colleague but maybe one time. Maybe one time. We are entitled to two, or twice that amount, because we represent all of them.

So, when we began to look in the 1988 appropriations, it was $82 million, plus the $27 million carryover, for a total of $109 million.

The Senate's half of the 1988 appropriations would have been $41 million. The Senate spent $36 million, leaving a savings of $5 million.

The House spent $77 million, its half, the $27 million carryover, the Senate savings, plus $4 million. They spent it all. We save it, they spend it.

Let us make some changes. Let us get equality in the pot, equal in the appropriated line item, and then let us go from there with the light on both the House and the Senate.

The Senator is not saving anything. My colleague can stand up and say we have unleashed all these things. You have to come back for a supplemental. If you want more than the $50 million, you have to come back for a supplemental. Unless you vote for a supplemental, you do not spend any more money. And right now, given the $160 million I heard, and all the ripple effects there awhile ago, we need $110 million more. And there has to be a supplemental, because only the $50 million dollars are already appropriated.

Every constituent in our home States has one Representative and two Senators. The history of postal expenditures is opposite. They think they have got two Representatives and one Senator.

Mr. President, I hope that this amendment will be rejected and at the proper time, as soon as time is yielded back, if the Senator wants to yield his time back, at a given point I will move to table the amendment by the Senator from California and the Senator from Oklahoma. Then I will ask that that vote be set aside because there are several of our colleagues who are downtown. That would give them an opportunity to come back and we would have votes back to back, if that is acceptable to the other side.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I yield an additional 3 or 4 minutes to my friend from Oklahoma.

Mr. NICKLES. I thank the Senator from California.

I am going to ask the Senator from Kentucky a question before he runs off.

Mr. FORD. I am not going to run off.

Mr. NICKLES. Just for clarification. On section 24, when it says, "Senate Resolution 458, agreed to September 9, 1988, is hereby repealed," am I not correct that that resolution deals with the limitations on the total cost of mail which we have applied to the Senate and, if we repeal that, we will be taking off the cost limitations for Senate mail?

Mr. FORD. We only get one-half of the appropriated money. We assume that. So that there is no unleashing in any unlimited amount, Senator. We have $50 million that has been appropriated for this type of mailing. We feel that we are entitled to one-half of that and, under the circumstances, regardless of what you might read into it, that is all we are going to be able to have. Unless you get a supplemental, you cannot go beyond that.

What you are reading into this situation is that we are asking that the restrictions applied to the Senate are the same ones that are applied to the House; or left. So that puts us on an even playing field. Then we could go from there.

But unless you appropriate the funds, they are not going to be spent. Unless you and I vote for a supplemental, they are not going to be spent.

Mr. NICKLES. Mr. President, to make sure that my colleagues are perfectly clear on what this resolution does, Senate Resolution 458 is a resolution which was agreed to September 9, 1988. It deals with mass mailings. It deals with mail costs. And it deals with limitations on each Senate office.

We are repealing that, if we agree to this as submitted by the Rules Committee.

One other comment. This idea that we are limited by appropriations: that is not the case. It should be the case. I see the distinguished chairman of the Appropriations Committee is with us on the floor. We should not be able to spend any more than we appropriate for mail costs. But that is not the case.

Present law states—and I will tell my colleagues I am going to endeavor to change the present law—but the present law says that "payment made under subsection (a) or (b) of this section shall be deemed payment for all matter mailed under the frank and for all fees and charges due the Postal Service in connection therewith."

In other words, if we only appropriate a given number of dollars but we mail much more than that, the Postal Service has to eat the difference.

Maybe we come up in a supplemental appropriation and pay for it. Maybe we do not. But if we do not, the law says the Postal Service has to take all the money that we have appropriated as payment in full.

That is not right. That is telling the Postal Service that they have to, basically, lose, or eat, anything that we underappropriate. That is not the way it should be.

I will work with the Senator——

Mr. FORD. Will the Senator yield?

Mr. NICKLES. I will work with the Senator, the chairman of the Rules Committee, to try to change that. But that is present law.

I stated on this floor in the past that we should change that. We should not be able to mail any more than what we appropriate funds for. If we agree to the resolution as now before us, we will be repealing Senate Resolution 458, which does place limitations on Senate mail.

Mr. FORD. Mr. President, will the Senator yield for just a moment?

Mr. NICKLES. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has only 12 seconds left.

Mr. NICKLES. I will give the Senator 12 seconds.

Mr. FORD. What you stated about the statute is correct. But the practices has been to enact supplemental appropriations.

I think it will be very little trouble to have that done since the practice has been the supplemental.

The PRESIDING OFFICER. Time yielded by the Senator from California has expired.

Mr. NICKLES. Will the Senator from Kentucky yield to me just a moment on his time?

Mr. FORD. Yes.

Mr. NICKLES. I happen to be on the Legislative Branch Appropriations Committee, and I will work with the Senator in the future. If we open this up for 6 frank postal patron mailings and an unlimited amount of response type mailings a supplemental request could be enormous. I would have some

responsibility bringing that to the floor. I do not want to do that. I do not want to see mail costs in the Senate grow from $30 to $80 or $100 million. I think this is what could happen, unless we change the resolution.

Mr. FORD. Since the Senator is on my time, let me just try to reason with him, if I can. Right now, in the first quarter, the House has spent almost $8 million, and we barely spent $2 million. It all comes out of the same appropriated figure. So we are very frugal; we do not spend it and they continue to spend it.

Under the present circumstances, we are hindering those who would like to mail newsletters. We are not giving them the opportunity to do it. We restrict them while the House continues to do that.

Why not give your colleagues a level playing field so that they may have the same opportunities? And then we can repeal whatever we want to do, make the changes. But the precedent has been supplemental.

You can have all kinds of charts and that sort of thing that you want out of here. I think I understand. We go by supplemental, not by the rules that you stated a while ago. However, that is proper. You read it properly, and I have no quarrel with that, but precedent is one thing around this body that we follow.

Mr. President, how much time is left by the Senator from California and the Senator from Kentucky?

The PRESIDING OFFICER (Mr. KOHL). The Senator from California has 7 minutes and 57 seconds remaining. The Senator from Kentucky has 22 minutes.

Mr. FORD. I am willing to yield back my time. You have had all but 7 minutes. I have maybe just used 6 minutes. If the Senator from California will think about yielding back the time, I will move to table, get the yeas and nays and set it aside until our colleagues are back from the White House. Would he agree to that?

Mr. WILSON. I will tell my friend from Kentucky I do not intend to use all of the time. I will use some of it.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I am not going to use all the time that remains. There is a fairly simple issue before us. The taxpayers are paying for congressional newsletters from which they receive precious little benefit. It is costing them money, money that could be spent for other far more meritorious purposes. We are elected to set and keep priorities. I submit that congressional newsletters are not an urgent public priority, not in a time when we are pressing for ways to reduce the deficit. In fact, not at any time, in my judgment.

But to give some idea of what it has cost the taxpayers, I ask my colleagues to look at this chart. It is a very simple chart. This bar graph here indicates the costs to the taxpayers in millions of dollars, what it has cost them to pay for the Senate franking privilege. In 1983, it cost them $32 million. In 1984, $44 million; in 1985, it cost them $40 million. In 1986, it cost them $36 million. In 1987, it cost them $19 million. In 1988, it cost them $36 million.

But if we agree to this resolution and do not defeat it, do not strike it by the amendment that I have offered with Senator NICKLES, it gives promise of costing the taxpayers $160 million—that is the red bar here—just for the postal patron mailings. And when you add what can be expected in the way of address mailings on top of it, and town notices, that figure can climb easily to $180 million—$180 million—not for an urgent public priority.

Let me just respond to a couple of points made by my friend from Kentucky. He is expressing great frustration that we will not save money by not spending it because our share will be spent by the House of Representatives. I will accord him this much: The House of Representatives' behavior in this regard has been disgraceful. What he is saying is because they have been guilty of this kind of profligate conduct, we should be getting our share. It is not like saying we ought to stop the process; we ought to be getting our share.

I suggest that what we ought to be doing is stopping the process, and he is quite correct, this will not stop the House, not immediately. But I think if they begin to hear from their constituents that they only are doing this profligate thing with the taxpayers' dollars that there will be the kind of unhappiness that we saw manifested on something of far mor modest cost in terms of a 50-percent congressional pay raise.

This is a 500-percent increase, and the fact of the matter is, yes, there is only $50 milllion appropriated. Every time we spend more, and my friend from Kentucky has said here today that we do keep overspending that amount, what do we do? We get a supplemental appropriation. Either that or the Post Office would have to eat it. Well, they do eat it for a few months until we get them that supplemental appropriation.

Let us not delude anyone. This is costing taxpayers money, and a lot of it, but from $36 to $180 million I think is an unsupportable leap. The adoption of this amendment will simply keep us at the status quo. It will not allow the 6 postal patron mailings.

Mr. President, the issue is a simple one. What is an urgent public priority for the reelection of Senators, including many who have opposed public financing of campaigns, is not an urgent public priority for the taxpayers. We should not be wasting their money in this unjustifiable way. I yield back the remainder of my time.

Mr. FORD. Mr. President, I ask unanimous consent that the vote on my motion to table the Wilson amendment occur immediately following the using or yielding back of the time on the Helms amendment and that the vote on or in relation to the Helms amendment occur immediately following the disposition of the Wilson amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object, I am sorry, I did not hear the request.

Mr. FORD. I asked unanimous consent that the vote on my motion to table Senator WILSON's amendment, when the time is yielded back or all time used, occur immediately following the disposition of the Helms amendment. We want to stack the votes because we have some people downtown.

Mr. HELMS. I thank the Senator, Mr. President, and I have no objection.

Mr. NICKLES. Did we get the yeas and nays?

Mr. FORD. Not yet.

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

Mr. FORD. Mr. President, it is very difficult to make people understand that we are trying to cut back. Under the present circumstances, we continue to grow and grow and grow, and it is grossly unfair to the Senate under the circumstances. I know this is going to look good back in California in the governor's race. I have been governor and I understand it. We are saving money. We want to be frugal. I have gone through all of this.

But, Mr. President, fair is fair. I intend to see that my colleagues are represented fairly. I think it is fair that we play by the same rules as the House, that we put the spotlight on them, we divide it and ask them to go ahead and try to stay under as we have. We save it and they spend it; they spend more than that.

We will never reach the maximum because the distinguished Senator from California does not send out any newsletters. If he does not send out any newsletters, he does not spend any money. So if he does not spend any money, you will never reach the maximum. I do not send out newsletters. I have sent out one in the last 2 or 3 years. So it cannot ever reach the maximum because I am not sending them out. So we will never reach the maximum. We can restrain ourselves.

Mr. President, it is a matter of fairness. Once we have this in place, we are on a level playing field and then we can seek separate appropriations

for the House and Senate. Let the House do what they want. Let us limit ourselves. Let us do it to ourselves rather than to have to pay and pay and pay and not get any of the results.

Mr. President, I move to table the amendment of the Senator from California and 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.

Mr. FORD. Under the previous unanimous-consent agreement, this will be set aside and we will now go to Senator HELMS, is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from North Carolina.

AMENDMENT NO. 8

(Purpose: To reduce funding increases for Senate committees)

Mr. HELMS. Mr. President, I thank the chair. I thank my good friend from Kentucky, Mr. FORD.

Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS for himself, Mr. NICKLES, and Mr. WILSON] proposes an amendment numbered 8.

Mr. HELMS. 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 1, line 9, strike "$53,252,088" and insert "$50,780,499".

On page 2, line 2, strike "$53,430,099" and insert "$50,892,155".

On page 3, line 22, strike "$1,876,650" and insert "$1,798,118".

On page 4, line 6, strike "$1,914,132" and insert "$1,834,080".

On page 5, line 5, strike "$4,736,267" and insert "$4,428,061".

On page 5, line 15, strike "$4,828,540" and insert "$4,516,622".

On page 6, line 14, strike "$2,728,969" and insert "$2,609,890".

On page 6, line 24, strike "$2,785,811" and insert "$2,662,088".

On page 7, line 25, strike "$2,560,816" and insert "$2,315,308".

On page 8, line 9, strike "$2,614,125" and insert "$2,361,614".

On page 9, line 8, strike "$3,313,130" and insert "$3,167,988".

On page 9, line 18, strike "$3,382,402" and insert "$3,231,348".

On page 10, line 20, strike "$3,694,395" and insert "$3,536,885".

On page 11, line 5, strike "$3,769,571" and insert "$3,607,623".

On page 12, line 5, strike "$2,673,547" and insert "$2,559,807".

On page 12, line 15, strike "$2,727,832" and insert "$2,611,003".

On page 13, line 15, strike "$2,604,115" and insert "$2,492,564".

On page 13, line 25, strike "$2,657,355" and insert "$2,542,415".

On page 14, line 25, strike "$2,754,692" and insert "$2,629,342".

On page 15, line 9, strike "$2,814,065" and insert "$2,681,929". 0

On page 16, line 9, strike "$2,666,656" and insert "$2,552,785".

On page 16, line 16, strike "$2,721,004" and insert "$2,603,841".

On page 17, line 13, strike "$4,951,018" and insert "$4,740,368".

On page 17, line 23, strike "$5,051,556" and insert "$4,835,175".

On page 24, line 3, strike "$4,748,545" and insert "$4,542,702".

On page 24, line 13, strike "$4,846,789" and insert "$4,633,556".

On page 25, line 13, strike "$4,981,973" and insert "$4,765,560".

On page 25, line 20, strike "$5,085,260" and insert "$4,860,871".

On page 26, line 19, strike "$1,430,672" and insert "$1,367,357".

On page 27, line 5, strike "$1,459,163" and insert "$1,394,704".

On page 29, line 15, strike "$1,123,937" and insert "$1,062,745".

On page 29, line 18, strike "$1,148,131" and insert "$1,084,000".

On page 30, line 8, strike "$1,200,008" and insert "$1,147,299".

On page 30, line 18, strike "$1,213,792" and insert "$1,170,245".

On page 32, line 20, strike "$1,887,941" and insert "$1,845,335".

On page 33, line 1, strike "$1,021,116" and insert "$978,288".

On page 31, line 18, strike "$2,305,816" and insert "$2,205,444".

On page 31, line 25, strike "$2,353,721" and insert "$2,249,553".

Mr. HELMS. Mr. President, I ask unanimous consent that the distinguished Senator from Oklahoma [Mr. NICKLES] be added as a cosponsor, and the distinguished Senator from California, Mr. WILSON.

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

Mr. HELMS. Now, then, Mr. President, the pending resolution (S. Res. 66) is the 2-year committee funding resolution, and it is structured so that each committee will on average receive an increase in recurring funds of approximately 10.7 percent in 1989 and an additional 2 percent in 1990.

The 10.7-increase assumes a 4.1-percent cost-of-living increase for 1989 and a 2-percent cost-of-living increase for 1990. Under the 2-year budget process, which is new, committees will be allowed to carry over into 1990 any unexpended funds remaining from this year.

Mr. President, I am offering the amendment to reduce the level of recurring funds provided in Senate Resolution 66 from an average of 10.7 percent and 2 percent to an average of 5.3 and 2 percent for committee years 1989 and 1990, respectively.

At this point I ask unanimous consent that a table comparing the proposed funding levels for each committee under Senate Resolution 66 and under my amendment be printed in the RECORD. at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HELMS. Now, why am I doing this, Mr. President? I am doing it because somewhere, sometime there ought to be some signal from the Congress of the United States that we are willing to tighten our belts and not spend as much money as we might like to spend.

I know the argument will be made that we have already cut back, but if the Federal Government were a private business it would be under Chapter 11 right now. The difference between the Federal Government and private enterprise is that private enterprise cannot print money.

So I think we ought to send a signal to the American people. It is not going to hurt any committee to have this amendment added to Senate Resolution 66. Let me give you an example, Mr. President. The Agriculture Committee will have a balance of about $150,000 which is going to carry over from last year. That will be in addition to the 10.7 percent and 2 percent increases provided by the resolution. The Appropriations Committee will have $170,000 to carry over, Armed Services will have $175,000 to carry over, and so forth.

Mr. President, any committee chairman, ranking member or staff director who cannot save $150,000 in a committee or, in the case of the Intelligence Committee, $110,000, or in the case of the Finance Committee, $88,500, ought to take a lesson in how to economize a little bit. Because, Mr. President, when one subtracts the assumed 4.1-percent cost of living increase from the average 10.7-percent increase in recurring funds provided for this year, it becomes evident that we are providing our committees with real growth of more than 6 percent over the next 2 years.

But that estimate does not even take into account the unexpended balances from the 100th Congress that committees, as I said, will be allowed to carry over into this year under the resolution.

The total estimated unexpended balance that will be carried over from the 100th Congress to this Congress, which of course is the 101st Congress, is $2,145,210, that is 4.5 percent of the 1988 committee budget. When you add the total unspent balance to the increase provided in S. Res. 66, you come up with an increase of more than 15 percent.

I ask unanimous consent that a table setting forth the estimated unspent balances for each committee be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. HELMS. Let me emphasize one thing, Mr. President. I appreciate the fine job that the distinguished chair-

man of the Rules Committee, Mr. FORD, and the distinguished ranking member, Mr. STEVENS, have done with what is probably one of the most unenviable jobs in the Senate. However, it apparently has been determined that our committee structure is too small and it must grow.

That impresses me as a significant policy decision, one that deserves some discussion and consideration by the Senate.

Under the pending amendment, the reduced increases would be allocated among committees in proportion to the levels now provided in Senate Resolution 66, with one exception. The leadership of the Committee on Small Business is to be commended for holding their requested increase to 4.15 percent for 1989. The Committee on Small Business was the only committee to request less than a 5-percent increase for this year. All other requests range from 9 percent to more than 51 percent. Consequently, under the amendment, no reduction will be made in the increase proposed for the Small Business Committee.

Let me point out, Mr. President, that the amendment would not affect the provision allowing committees to carry over unexpended funds. They can do that under the amendment, either from this session to the next, or from the 100th Congress. Allowing committees to carry forward unspent balances will serve to reward those committees who hold down or have held down their expenses in the prior funding period.

Also, lest there be some concern, my amendment would make no reduction in the nonrecurring funds provided by the resolution. For example, rather than providing the permanent 51-percent increase requested by the Banking Committee to help the committee address the difficult issues that will come up during the 101st Congress, the Rules Committee decided to give the Banking Committee a smaller permanent increase of 29 percent and provide the rest on a nonrecurring basis.

Under my amendment, the permanent increase for the Banking Committee would be reduced to 14.5 percent, but the nonrecurring funds would not be affected.

As I said at the outset, I believe Congress should at least send a signal, however small, to the American people that we are willing to tighten our belts. We should continue to hold the line on the size of the committees and the cost of operating the committees.

Back in the 1970's, I might point out, Mr. President, the size of congressional staffs grew significantly. From 1967 to 1977, the total number of legislative branch employees increased from 27,545 to 39,978. But I am delighted to note that during the 1980's, we've managed to restrain that growth, as we should have done. We should have done it earlier. But I was not here. Senator FORD was not here. And spending was not restrained. In fact, nowhere in the Federal Government was spending restrained. That is the cause of the budget problem in the country today.

I think it is unwise to reverse that trend of restraint that we exercised in the 1980's—especially when we are now trying to constrain the growth in all other aspects of the Federal Government.

The pending amendment would make only a modest reduction in dollars in the growth of our committees. Total savings over 2 years would be $5 million. Senators may say, "Well, that is not much." And, of course, it is not in terms of the total cost of operating the Congress of the United States, let alone the total operating cost of the Federal Government. It is $5 million. It sends a signal, however, that we want to do at least something, and this would be it. But the point is that even if my amendment is passed, we will be allowing the committees of the U.S. Senate some real growth over the next 2 years. While I do not think our committees need any real growth, I am convinced that the pending amendment offers a reasonable compromise to the levels proposed in Senate Resolution 66.

Mr. President, it is not my intent and not my wish to single out any particular committee with this amendment. All committee chairmen and ranking minority members, including myself, testified before the Rules Committee requesting on average a 10-percent increase for our respective committees for this year. I am sure that each chairman and each ranking member sincerely believes that his or her committee deserves an increase. Because the Foreign Relations Committee ranks at the top of the productivity rating, I agreed with Senator PELL, the chairman of the Foreign Relations Committee, that the committee is worthy of an increase if—and I underscore the word "if"—the overall levels are going to be increased. Maybe that was a copout. I did not intend it to be so. But I stressed to Senator PELL that I retained my option to try to reduce the overall increases for committees, including the Foreign Relations Committee.

I am offering the amendment in the hopes that all of our colleagues, whether or not they are committee chairmen or ranking members, will agree that we need to continue to hold the line on our budgets. I believe that every Senator should be concerned about the message, the signal, we will be sending to the American people if we increase our committee budgets by approximately 15 percent when we are asking the American people to tighten their belts and do without an increase.

EXHIBIT 1

UNEXPENDED BALANCES

S. Res. 66 allows Committee to establish a Special Reserve for the unexpended balances from the current Committee Year, which ends 28 Feb. 89. The Special Reserve may be used in the next Committee year. Committees are also allowed to carry over any unexpended funds into the 1990 Committee year. Committees estimated the following unexpended balances for the Committee year ending today:

Committee	*Balance*
Agriculture	$150,000
Appropriations	170,000
Armed Services	175,993
Banking	848
Budget	13,261
Commerce	220,444
Energy	185,405
Environment	175,000
Finance	88,523
Foreign Relations	153,000
Governmental Affairs	248,224
Judiciary	180,000
Labor	45,000
Rules	104,043
Small Business	68,000
Veterans' Affairs	1,000
Aging	20,000
Intelligence	110,000
Indian Affairs	36,469
Total	2,145,210

EXHIBIT 2

COMMITTEE FUNDING UNDER SENATE RESOLUTION 66 UNAMENDED/AMENDED

The Helms amendment makes modest reductions in the amount of increases provided to each Committee by S. Res. 66. The differences in authorized Committee funds under S. Res. 66 unamended and as modified by the Helms amendment are set forth below:

Committee	Year 1 (1989)		Year 2 (1990)	
	S. Res. 66	Helms amendment	S. Res. 66	Helms amendment
Agriculture	$1,876,650	$1,798,118	$1,914,132	$1,834,080
Appropriations	4,736,467	4,428,061	4,828,540	4,516,622
Armed Services	2,728,969	2,609,890	2,785,811	2,662,088
Banking	2,560,816	2,315,308	2,614,125	2,361,614
Budget	3,313,130	3,167,988	3,382,402	3,231,348
Commerce	3,694,395	3,536,885	3,769,571	3,607,623
Energy	2,673,547	2,559,807	2,727,832	2,611,003
Environment	2,604,115	2,492,564	2,657,355	2,542,415
Finance	2,754,692	2,629,342	2,814,065	2,681,929
Foreign Relations	2,666,656	2,552,785	2,721,004	2,603,841
Governmental Affairs	4,951,018	4,740,368	5,051,556	4,835,175
Judiciary	4,748,545	4,542,702	4,846,789	4,633,556
Labor	4,981,973	4,765,560	4,085,260	4,860,871
Rules	1,430,672	1,367,357	1,459,163	1,394,704
Small Business	1,012,941	[1]	1,035,734	[1]
Veterans' Affairs	1,123,937	1,062,745	1,148,131	1,084,000
Aging	1,200,008	1,147,299	1,213,792	1,170,245
Intelligence	2,305,816	2,205,444	2,353,721	2,249,553
Indian Affairs	1,887,941	1,845,335	1,021,116	978,288
Total	53,252,088	50,780,499	53,430,099	50,892,155

[1] No changes.

Mr. HELMS. Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I appreciate the kind words that the distinguished Senator from North Carolina made toward me and to my distinguished friend and ranking member, Senator STEVENS from Alaska, regarding our diligence.

Mr. President, we listened to every chairman. We listened to every ranking member. And I do not recall any member, chairman or ranking member, that objected to their budget for the next 2 years. Now we find men who were there before the Rules Committee seeking these funds, now coming and objecting to what we are doing. It is a little bit disheartening, and a little bit disconcerting having gone through many hours with various committees developing a budget authorization which we believe is justified. The guidelines were, with justification, 10 percent in 1989 and 2 percent in 1990 for staff salaries. With few exceptions these guidelines were followed and are reflected in Senate Resolution 66.

The amendment under consideration would reduce the increase in the first year from 10 to 5 except for the Small Business Committee. The amendment is simple but its consequences are rather substantial.

For the Senate to perform effectively, committees need highly qualified staffs. I do not think there is any question about that. But what we are looking at here is a reduction in our ability to pay staff. It is a reduction of our ability to perform the job that is required of us and to be able to have staffs that work hard, are smart, and are paid reasonably well.

For the Senate to perform effectively, it needs highly qualified staff members.

Let me say this, Mr. President. No real growth was authorized in the last two budgets, in 1987 and 1988; both of them were zero, real growth. The committee chairman and ranking member struggled for 2 years under those budgets.

Now, Mr. President, we are looking at a biennial budget, and we say to the chairman in the guidelines, 10 percent the first year, 2 percent the second year, and with the carryover of surplus funds.

Senate Resolution 66 authorizes real growth of less than 3 percent each year, and some of this increase will be required to cover inflationary increases in administrative costs. If you try to just keep the same material that is necessary, the cost has gone up. I do not believe you ought to take it out of the hide of the staff. I do not believe that we are asking to give the committees too much.

This body should recognize that committees, their chairmen, and their ranking members are frugal. Our experiernce has been, in the years and I have been on the Rules Committee, that if the funds are not needed, they are not spent.

One argument proposed is to use these surplus funds to make up for the 5-percent cut. In my opinion, two overriding reasons exist to oppose this argument: First, the amount of surplus varies by committees. Thus, committees would not be treated uniformly. There is nothing fair about that. Also, several committees, such as Aging, Veterans' Affairs, and Indian Affairs, historically have had little surplus. They budget pretty tightly. If you take 5 percent away from them, they are going to be in a world of hurt.

Second, committees would be given an incentive to spend all funds authorized so that there would not be any surplus. I can go down the list and state where most of the surplus is. It is turnover of staff, generally, at the highest level. When staff leaves, it takes a while to replace them, and while you are waiting to replace them or find adequate staff replacement, you are not spending that money, and it shows up at the end of the year as surplus.

It is not all spent. You do not use carry over for recurring costs. We now hold that surplus for 2 fiscal years, but it covers costs of prior funded years expenses incurred. It is unexpended bills that come through, not salaries. The reserve in this authorization provides a transition into the biennial budget and will not be repeated between Congresses. We found that very little of the surplus has been used in the past; and so, under the circumstances, all that money each year drops off and goes back to the Treasury fund.

The important fact is that this resolution is not an increase in legislative appropriations for the Senate. It is an authorization to spend existing, available, appropriated funds. We are not asking for a supplemental. We are just asking for the authorization, under this resolution, to spend the funds that have already been appropriated. I believe the various committees have given ample justification to support the funding level incorporated in Senate Resolution 66. I urge my colleagues to defeat this amendment.

I was pleased that the Senator from North Carolina thought we had finally arrived at a way to help committees that have exceptional workloads. We thought about having a pool of money set aside, so that when a committee like the Banking Committee has an unusual burden, they would be able to have the money to hire employees. They know now what they have. They know how many people they need, and we funded them on a nonrecurring basis. At the end of this 2-year cycle, that is the end of it. We did the Indian Affairs Committee, Subcommittee on Special Investigation, the same way. We sunsetted it 1 year out on a nonrecurring basis. We have tried and we will keep plodding. We will keep moving. We will keep trying.

I have never seen any way to satisfy everyone. I have never seen a way to operate this place like a business. It is not intended to be operated like a business. We can operate it with business-like practices, and that is what we have tried to do in this resolution that we brought to the Senate floor.

The Senator from North Carolina is on the Rules Committee. He knows we ask each committee chairman and ranking member to give us the information as it relates to legislation, workload, hours spent, hours for staff employees, so that we can begin to justify the amount of money that is requested. In the next 2 years we will begin zero budgeting. That means we are going to start from the beginning with every committee and have them substantiate their need. All I ask is a chance to try a biennial budget. We are giving an authorization for the next 2 years. We do not expect a supplemental, and I will not be for one in the next 2 years—in order to try to bring this into focus and begin to operate it in the best way possible.

It is the same with respect to the amendment of the Senator from California. We are on the right track, but if you would listen to the condemnation of the procedure we are trying to move, you would think we are trying to raid the Treasury. We are not. We do not intend to. We intend to straighten it out, but we have to have a chance to prove ourselves. If we do not have a chance to prove ourselves, we will never know, and you will never know if we are right or wrong.

I joined the junior chamber of commerce when I was a young lad and enjoyed it. They give you a job, and if you failed, you were not fired, because you were head of a committee trying to do something to improve your community. Here, if we do not do a good job, we can be fired by the people back home. So I am not ashamed of what I am trying to do here. In fact, I am right proud of the committee. I think we have worked hard, and we have come up with a good way to make it work.

So, Mr. President, at some point I will move to table the amendment of the Senator from North Carolina.

I understand that the distinguished Senator from Michigan [Mr. RIEGLE] would like some time.

Mr. RIEGLE. I would like 2 or 3 minutes, if the Senator will yield.

Mr. FORD. I yield 3 minutes of my time to the Senator from Michigan.

Mr. RIEGLE. I thank the Senator. I rise in support of the chairman, and I also rise in opposition to the Helms amendment.

I am here as one committee chairman representing one of the entire list of the committees that would be covered by this amendment. A request was made by the Committee on Banking, Housing, and Urban Affairs, to try to meet some extraordinary needs we are facing with the savings and loan problem particularly, a very major

problem across the country, and a great concern in my State and all States, and certainly in the State of North Carolina. The ranking Republican member, Senator GARN, and I have asked for the staff resources that we think at a minimum we need to have to handle the work load that is before that committee. I mentioned the savings and loan crisis because that is such a clear and present overriding problem, where $100 billion has disappeared.

We need to reform the savings and loan system. We need to figure out a way to solve that problem and prevent it from happening again. But that is just one of many.

We are facing the financial services modernization issue. We are facing the issue of the Third World debt question. We are facing the issue of leveraged buyouts and tender offer regulation issues. We are still in the aftermath of the stock market crash. And the list goes on. That only just deals with the financial side of the committee.

Just one illustration: Every committee has its own story to tell, but I would just say to my colleagues and to the sponsor of the amendment if we do not have the people we need to do this job properly, big mistakes can happen. No matter how good the intentions are, and I would say that looking in the past, we have not in every case perhaps been as able to exercise our oversight responsibilities as we needed to be.

The savings and loan crisis I think is a classic illustration. One hundred billion dollars have disappeared. Now the American public is being asked to in effect restore the bulk of that money, and I must just say to you that just a day ago when we had one of the major ones before us, Alan Greenspan, who was in testifying in behalf of the savings and loan plan that the administration has brought forward which I have introduced by request along with Senator GARN, said to us in that session, "Look, this problem is so urgent and so large," paraphrasing, but the essence of his testimony was in part get this thing enacted right away; there will need almost certainly to be a midcourse correction somewhere down the line in a few months or a year or so, and we can make the midcourse correction at that time. That suggests that in that area alone our job is not just to try to sort through that issue now and come up with the best possible reform package and the best possible financing package and keep the cost to taxpayers as low as possible, when we finish with that we are not finished with the problem, we are going to have to monitor very carefully over the period of months to see if something that has been put together in a very hurried fashion is going to be really able to get the job done the way everyone hopes from the President on down. That involves the need on our part to really have some qualified and competent staff people at work to carry out that very specific oversight responsibility.

I only cite that example, but $100 billion even to the U.S. Senate is a lot of money. That is what disappeared out of the savings and loan system to the astonishment of many.

These are the reasons that I think having a limited number of qualified professional staff people is absolutely critical to us to be able to carry out our responsibility to craft this legislation properly and to see that it works the way it was intended.

I just make one other point about it. We have just gotten the President's package on the savings and loan legislation. It runs 333 pages. That is 333 pages where every line constitutes a change in the written law, every line on 333 pages. If a half sentence is wrong, it could end up causing the whole plan not to work properly.

So we have to go through that and as carefully as we can to try to make sure that there are not those kinds of inadvertent errors or advertent errors of judgment in this thing and try to make sure it is going to work right.

I want to say as one new chairman, and I am not different from any other chairman in this sense, new or old, I want to do a good job. I want to really bring something in here that I can present to the Senator from Alaska, the Senator from Kentucky, and the Senator from North Carolina that I am confident is as close as we can get to a good solid timely answer. That is why we need the help. There is no other reason.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. STEVENS. Mr. President, will the Senator yield me 3 minutes?

Mr. FORD. I yield 3 minutes to my friend from Alaska.

Mr. STEVENS. I do not think I will use that fully.

But working with the Senator from Kentucky on the Rules Committee is an enlightening and rewarding experience. We are pursuing ways to save the taxpayers money.

Let me take just for instance the postal patron mailing. That was a charge we made a number of years ago.

Mr. President, if you send out a postal patron mailing, you do not have to address it. You do not have to use zip codes. You just send to each zip code the number of pieces of mail there are patrons in that area. They do not have to have separate staff to sort them in the post offices by number or by zip code thus the cost of postage is less.

It is the most efficient way to handle mail, because you do not have to have a computer list, computers, all the handling. It costs less for the taxpayers, but it looks like we might spend more if everybody mailed everything they are entitled to mail. Allowing the use of postal patron mail helped us save money by providing a cheaper method of mailing that each Member may use.

We know from history everyone in the Senate does not mail everything they are entitled to mail. As a matter of fact, I think Senators are becoming more conservative in their approach to mailing. We all are, and we are trying to reduce the cost of the Senate.

Similarly in regard to the amendment of my good friend from North Carolina, this resolution is merely an authorization to committees to spend. We have an incentive not to spend because if they do not spend it they can carry it over for a later year when they might run into the kind of emergency that the Banking Committee has this year and we have to make a special allocation to him.

Through frugal application of the authorities under this resolution, we can run the Senate better for less money if the Senate will do it.

This is a very good approach to the management of the Senate. Nothing says you have to spend this money. Furthermore, it is a contingent upon us in the appropriations process to provide the money that is necessary because this is a 2-year resolution that is before us.

So, the Senate will have a chance to revisit this in terms of the appropriations for the next year. But right now, I think this is the best way to do business and to call on every Member of the Senate to think twice before they mail, to think twice before they decide to hire a new staff member on a committee, and the cost will come down because the flexibility for good management is in this resolution.

Thank you very much.

The PRESIDING OFFICER. Who yields time.

Mr. FORD. I yield 2 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, adoption of the amendment that has been offered by my good friend, Mr. HELMS, would reduce the Appropriations Committee's fiscal year 1989 funding to a level that is $32,189 below our current annualized spending rate.

Our expenses other than salaries were not increased for either fiscal year 1989 or 1990.

Adoption of the Helms amendment might well force the Committee on Appropriations to reduce staffing.

There may be some people who would say, "Well, that is fine, that is what we ought to do around here; we ought to reduce the staffing."

The Appropriations Committee staff levels have held steady for a good many years. Today we have 82 positions in the Senate Appropriations Committee. In fiscal year 1980 we had 84 positions in the Appropriations Committee. So that number has not fluctuated much over these intervening years. I think that is a good record.

In fiscal year 1980, the Appropriations Committee had 84 positions; fiscal year 1981, 79 positions; fiscal year 1982, 79 positions; fiscal year 1983, 82 positions; fiscal year 1984, 82 positions; fiscal year 1985, 82 positions; fiscal year 1986, 82 positions; fiscal year 1987, 81 positions; fiscal year 1988, 78 positions; and fiscal year 1989, 82 positions.

So, after 10 years the Appropriations Committee today has two positions less than it had 10 years ago. That is, I think a rather interesting comment on the Appropriations Committee.

Here we have a committee that passes on billions and billions of dollars. We have a budget this year of $1.3 trillion.

Now, while the Appropriations Committee of the Senate has held steadily to about the same number over these 10 years, look at the explosion in the executive departments. Each of the executive departments comes up here annually with requests; they want 50 new positions, they want 100 new positions, they want 500 new positions, they want 600 new positions. If they ask for 600 new positions we may give them 400. They will be back next year, and they may ask for 500 more or whatever, and we may give them 400 again.

And so there has been a virtual explosion of positions in the executive department. How are we able to contend with that kind of manpower in the executive branch, a virtual army when it comes to the executive department? They may not get every position they want but they are constantly getting an increased number of positions.

Just 50 years ago, Congress created the Executive Office of the President permitting FDR to hire a half-dozen special assistants, rather than rely exclusively on the various Cabinet Departments of the Government for that assistance. Now look at the size of the President's staff. They fill the entire Old Executive Office Building, which, in FDR's time, housed the Department of State, the Department of War, and the Department of the Navy. That is the way the executive departments are growing, hand over fist, and we continue to give them more and more and more positions, whether it is a Democratic administration or a Republican administration.

The same new demands on the Government, both nationally and internationally, that required an increase in executive staff, have required expansion of the legislative staff. We have four positions more than we had last year on appropriations, but we have two less than we had 10 years ago. And the Appropriations Committee is the salt mine of the Senate—the salt mine. So we need these positions, in the interest of the taxpayers, so that we might look at all the appropriations requests that come through that committee from the President and the Departments. We need experienced, capable, knowledgeable staff people on the Appropriations Committee to screen the Federal budget and to guide us as we make our judgments concerning the funding requests that come from the executive department.

The PRESIDING OFFICER (Mr. ROBB). The time yielded to the senior Senator from West Virginia has expired.

Mr. FORD. I yield 1 additional minute to the Senator from West Virginia.

Mr. BYRD. So I say to my colleagues, I hope that we will not support this penny-wise, pound-foolish effort. And I do not say this to cast any aspersions on the Senator from North Carolina. He is doing what he believes is right. I respect him for that.

But I call attention to what we are doing to the legislative branch if amendments like this are agreed to, while we continue to let the executive branch go whole hog, all out for positions and we approve many of them. We put the moneys in so they can snow us in the executive branch while we try with a small number to cope with the army of experts from the Agriculture Department, the State Department, the Defense Department and the other Departments.

I hope that my colleagues will give a resoundingly strong vote in tabling the amendment.

The PRESIDING OFFICER. The senior Senator from North Carolina.

Mr. HELMS. Mr. President, let me say to my good friend from West Virginia, the distinguished President pro tempore of the Senate, that I will stand arm and arm with him to cut down that phalanx of employees downtown. This amendment will give us a leg to stand on, to say, "We have cut ourselves, and let us cut you appropriately." And I stand with him, and I will help him any way I can.

There is nothing in this amendment, of course, as the distinguished Senator knows, that validates the horde of employees in the executive branch and in the Executive Office Building. He is right. That is the point I am making.

Now, as for the Appropriations Committee, I am not sure where the Senator got his figures, but if he is right, then the committee report is wrong and my figures are wrong. What my amendment proposes is a 7.48-percent increase for the Appropriations Committee, plus a carryover of $170,000 from last year.

Now, that is not cutting anybody. That is not limiting anybody.

As for the Banking Committee, let me tell my friend from West Virginia an amusing little thing. I had a call from a banker in North Carolina. He said, "I got a call from the Senate Banking Committee and they said that you are about to gut their whole process for the funds proposed for the Banking Committee." I said, "Well, not quite." And I pointed out to him, I said, "We recognize the need for adequate pay for staff." The amendment allows an overall 5-percent increase for all committees. That includes the 4.1-percent COLA. Now, that is what the staff member of the Banking Committee is worried about, his own little hip pocket. And, of course, we all are.

But the point is, Mr. President, that the Banking Committee still gets a total of a 37-percent increase under my amendment—37 percent. And this I related to the banker who had called me after he had received a call from a staff member in the Banking Committee. Let me emphasize that the amendment does not cut the nonrecurring funds for the Banking Committee, nor for any other committee, for that matter.

Now it is a simple matter of whether we are going to lay the predicate right there today to say to the administration: "You have got to cut out hiring everybody in sight."

I will tell you something else that bothers me, and I say this to my friend from West Virginia. How many times have I brought in staff members, trained them and worked with them and the first thing I know they come to me and say, "Senator, I have an offer downtown. They are going to pay me $32,000 a year more than you are paying me." And I say, "Well, fine. You have to make a decision about that."

So I agree with the Senator from West Virginia. I am so glad that he is going to be in charge of the Appropriations Committee. I do not say this disparagingly of anybody who has headed it in the past, because they have all been fine Senators and fine chairmen. But I believe that Senator ROBERT C. BYRD is going to get out a sharp pencil and he is going to look at all of these employees. He is going to look at the money that is being paid to them over and above what most Senators pay for the same type of personnel.

I think we ought to get started this afternoon by sending a message to the taxpayers of the United States of America that we are willing to cut, albeit very little, the increase in the proposed spending for our committees. That is all the amendment does. It is going to cut out half of the projected

increase under Senate Resolution 66. And I think that is a fair proposition if we really mean all of this breast-beating that we do when we go home—and every Senator does it—"I'm for a balanced budget and I am going to vote to limit Federal spending." Well, there are a lot of other things besides charity that begin at home. I think we ought to begin right here and send the right message to the American people, and then I will stand arm and arm with the distinguished chairman of the Senate Appropriations Committee.

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 12 minutes and 3 seconds.

Mr. HELMS. I yield back my time.

Mr. FORD. Mr. President, I am ready to yield back the remainder of my time. If the Senator will allow me, then? I move to table the amendment by the distinguished Senator from North Carolina and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second on the motion to table.

The yeas and nays were ordered.

Mr. FORD. Point of information, Mr. President?

The PRESIDING OFFICER. The Senator will state the point of information.

Mr. FORD. Would the Presiding Officer reiterate the unanimous-consent agreement we have as it relates to these two votes?

The PRESIDING OFFICER. Under the previous order, the motion to table the amendment by the Senator from California will be taken up first.

Mr. FORD. These are 15-minute votes?

The PRESIDING OFFICER. In accordance with the standing order.

Mr. FORD. Then, immediately following the tabling motion on the amendment by the Senator from California, the motion by the Senator from North Carolina will be voted on?

The PRESIDING OFFICER. That is correct.

VOTE ON AMENDMENT NO. 7

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment by the Senator from California.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Maryland [Ms. MIKULSKI] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN] and the Senator from Vermont [Mr. JEFFORDS] are necessarily absent.

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

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—50

Adams	Fowler	Moynihan
Baucus	Gore	Murkowski
Biden	Gorton	Pell
Breaux	Harkin	Pressler
Bryan	Hatfield	Pryor
Burdick	Hollings	Reid
Byrd	Inouye	Riegle
Conrad	Johnston	Rockefeller
Cranston	Kerrey	Sanford
D'Amato	Kohl	Sarbanes
Daschle	Leahy	Sasser
DeConcini	Levin	Shelby
Dixon	Lieberman	Simon
Dodd	Matsunaga	Simpson
Durenberger	McClure	Stevens
Exon	McConnell	Wirth
Ford	Mitchell	

NAYS—47

Armstrong	Glenn	Mack
Bentsen	Graham	McCain
Bingaman	Gramm	Metzenbaum
Bond	Grassley	Nickles
Boren	Hatch	Nunn
Boschwitz	Heflin	Packwood
Bradley	Heinz	Robb
Bumpers	Helms	Roth
Burns	Humphrey	Rudman
Chafee	Kassebaum	Specter
Coats	Kasten	Symms
Cohen	Kennedy	Thurmond
Danforth	Kerry	Wallop
Dole	Lautenberg	Warner
Domenici	Lott	Wilson
Garn	Lugar	

NOT VOTING—3

Cochran	Jeffords	Mikulski

So the motion was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 8

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on the motion to table the amendment of the Senator from North Carolina. 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 Maryland [Ms. MIKULSKI] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. JEFFORDS], is necessarily absent.

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

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—62

Adams	Byrd	Ford
Baucus	Cochran	Fowler
Bentsen	Cranston	Garn
Biden	D'Amato	Glenn
Bingaman	Danforth	Gore
Boren	Daschle	Gorton
Bradley	DeConcini	Graham
Breaux	Dixon	Harkin
Bryan	Dodd	Hatch
Bumpers	Domenici	Hatfield
Burdick	Durenberger	Hollings
Inouye	McClure	Rockefeller
Johnston	Metzenbaum	Sanford
Kennedy	Mitchell	Sarbanes
Kerry	Moynihan	Sasser
Kohl	Nunn	Shelby
Lautenberg	Packwood	Simon
Leahy	Pell	Stevens
Levin	Pryor	Warner
Lieberman	Reid	Wirth
Matsunaga	Riegle	

NAYS—36

Armstrong	Heflin	Murkowski
Bond	Heinz	Nickles
Boschwitz	Helms	Pressler
Burns	Humphrey	Robb
Chafee	Kassebaum	Roth
Coats	Kasten	Rudman
Cohen	Kerrey	Simpson
Conrad	Lott	Specter
Dole	Lugar	Symms
Exon	Mack	Thurmond
Gramm	McCain	Wallop
Grassley	McConnell	Wilson

NOT VOTING—2

Jeffords	Mikulski

So the motion was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I rise today as the chairman of the Committee on the Budget in support of Senate Resolution 66, the committee funding resolution, one part of which is the funding authorization for the Committee on the Budget. I also want to voice my opposition to the Helms amendment that would effectively cut the increases in those committee budgets in half.

As for almost all of the committee funding requests, the Budget Committee's request calls for a 10-percent salary increase so that the committee may continue to recruit and retain top-notch, experienced staff for the difficult and challenging work that lies ahead of it in the budget process. This request is within the guidelines that the Rules Committee recommended.

It's worth noting that, after allowing for the 4.1-percent cost-of-living adjustment that went into effect January 1, 1989, the increase requested results in a true increase of only 5.9 percent.

It's also worth noting that this increase is for the first year of a 2-year budget. The second year has built into it only a 2-percent cost-of-living increase.

Government service is a privilege of which we are all proud. But especially in areas requiring technical expertise, it is difficult to compete with the much higher salaries in the private sector. After just a few years in Government service, many seasoned and experienced staff members go to work in the private sector in order to be able to pay their mortgages and send their children to college. Retaining experienced staff with proven expertise

in budget matters is key, and this request is necessary to get the flexibility to hire and hold the best possible people.

Our Budget Committee staff provides valuable technical assistance and advice not only to Budget Committee members, but to all of our Senate Members. We want to continue to provide and enhance that support service.

In closing, I want to commend the work of the Rules Committee, its chairman, Senator FORD, and its ranking member, Senator STEVENS. They have performed the difficult and often thankless task of keeping a lid on the budget. Believe me, as chairman of the Budget Committee, I know what sort of pressures they had to deal with. They deserve our support, as does the committee funding resolution that they have brought before us today.

The PRESIDING OFFICER. Do the floor managers desire to yield back their time on the resolution?

Mr. FORD. I yield back my time, Mr. President.

Mr. STEVENS. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the resolution.

The resolution was agreed to:

Resolved, That this resolution may be cited as the "Omnibus Committee Funding Resolution for 1989 and 1990".

AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized for the period March 1, 1989, through February 28, 1990, in the aggregate of $53,252,088, and for the period March 1, 1990 through February 28, 1991, in the aggregate of $53,430,099 in accordance with the provisions of this resolution, for all Standing Committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1990, and February 28, 1991, respectively.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committee who are paid at an annual rate, or (2) for the payment of telecommunications expenses provided by the Office of the Sergeant at Arms, United States Senate, Department of Telecommunications, or (3) for the payments to the Keeper of Stationery, United States Senate.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, to be paid from the appropriations account for "Expenses of Inquiries and Investigations.".

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition and Forestry is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $1,876,650, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $1,914,132, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4. (a) In carrying out its powers, duties, and functions under Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $4,736,267, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $4,828,540, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $2,728,969, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $2,785,811, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $2,560,816, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $2,614,125, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $3,313,130, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $3,382,402, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science and Transportation is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $3,694,395, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $11,900 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $3,769,571, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $12,400 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $2,673,547, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $2,727,832, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $2,604,115, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $2,657,355, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $2,754,692, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended),

and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $2,814,065, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $2,666,656, of which amount not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $2,721,004, of which amount not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $4,951,018, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $5,051,556, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditures of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular reference to the operations and management of Federal regulatory policies and programs:

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the

sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure (4) All subpoenas and related legal processes of the committee and its subcommittees authorized under S. Res. 381 of the One Hundredth Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Judiciary is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $4,748,545, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $4,846,789, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $4,981,973, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $5,085,260, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $1,430,672, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $1,459,163, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Small Business is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $1,012,941, of which amount (1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $1,035,734, of which amount (1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $1,123,937.

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $1,148,131.

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4, 1977, and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $1,200,008, of which amount (1) not to exceed $33,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $800 may be expended

for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $1,213,792, of which amount (1) not to exceed $33,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $800 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SELECT COMMITTEE ON INTELLIGENCE

SEC. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $2,305,816, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $2,353,721, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SELECT COMMITTEE ON INDIAN AFFAIRS

SEC. 21. (a) In carrying out the duties and functions imposed by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, the Select Committee on Indian Affairs is authorized from March 1, 1989, through February 28, 1990, and March 1, 1990, through February 28, 1991, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1989, through February 28, 1990, under this section shall not exceed $1,887,941, of which amount not to exceed $174,846 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1990, through February 28, 1991, expenses of the committee under this section shall not exceed $1,021,116, of which amount not to exceed $4,846 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(d)(1) The Special Committee on Investigations (hereafter in this section referred to as the "special committee"), a duly authorized subcommittee of the select committee, is authorized from March 1, 1989, through February 28, 1990, to study or investigate any and all matters pertaining to problems and opportunities of Indians and the Federal administration of mineral resources, including but not limited to State governments, Indian education, health, special services, and other Federal programs, and related matters.

(2) For the purpose of this section the special committee is authorized from March 1, 1989, through February 28, 1990, in its discretion (A) to adopt rules (not inconsistent with this resolution and the Standing Rules of the Senate) governing its procedure, to be published in the Congressional Record, (B) to make investigations into any matter within its jurisdiction, (C) to make expenditures from the contingent fund of the Senate, (D) to employ personnel, (E) to sit and act at any time or place during the sessions, recess, and adjourned periods of the Senate, (F) to hold hearings and to take staff depositions and other testimony, (G) to require, by subpoena or order, the attendance of witnesses and the production of correspondence, books, papers, and documents at hearings or at staff depositions, (H) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable basis the services of personnel of any such department or agency.

(3) The chairman of the special committee or any member thereof may administer oaths to witnesses, and, at staff depositions authorized by the special committee, oaths may be administered by any individual authorized by local law to administer oaths.

(4) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any member of the special committee designated by the chairman or the member signing the subpoena.

(e) The special committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate through the select committee at the earliest practicable date, but not later than February 28, 1990.

SPECIAL RESERVE

SEC. 22. Of the funds authorized for any Senate committee by Senate Resolution 381, agreed to February 26, 1988, for the funding period ending on the last day of February 1989, any unexpended balance remaining after such last day shall be transferred to a special reserve for such committee, which reserve shall be available to such committee for the period commencing March 1, 1989, and ending with the close of September 20, 1989, for the purpose of (1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1989, and (2) meeting expenses of such committee incurred after such last day and prior to the close of September 30, 1989.

SEC. 23. Of the funds authorized for any Senate committee by this resolution for the funding period ending on the last day of February 1990, any unexpended balance remaining after such last day shall be transferred to a special reserve for such committee, which reserve shall be available to such committee for the period commencing March 1, 1990, and ending the with close of September 30, 1990, for the purpose of (1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1990, and (2) meeting expenses of such committee incurred after such last day and prior to the close of September 30, 1990.

LIMITS ON FRANKED MAIL MAILED WITH A SIMPLIFIED FORM OF ADDRESS

SEC. 24. (a) S. Res. 458, agreed to September 9, 1988, is hereby repealed.

(b) The total number of pieces of mail which may be mailed as franked mail under section 3210(d) of title 39, United States Code, during any calendar year by a Senator entitled to mail franked mail may not exceed an amount equal to six multiplied by the number of addresses to which such mail may be delivered in the State from which the Senator was elected. Any mail matter which relates solely to a notice of appearance or a scheduled itinerary of a Senator or such Senator's personal staff representative in the State from which such Senator was elected shall not count against the limitation set forth in the preceding sentence.

Mr. FORD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

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

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

RESOLUTION AUTHORIZING TESTIMONY OF EMPLOYEE OF THE SENATE.

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution, authorization for testimony by a present and a former employee of the Senate, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 71) to authorize a present and a former employee of the Senate to testify in the case of United States v. Ladd Anthony.

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

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

Mr. MITCHELL. Mr. President, the Department of Justice has requested that a present and a former employee of the Senate provide testimony in the case of United States versus Ladd Anthony, which is a criminal prosecution pending in the U.S. District Court for the Northern District of Ohio. The prosecution arises from a referral to the Department of Justice by Senator METZENBAUM's office. This resolution authorizes one present and one former employee on Senator METZENBAUM's staff to provide testimony relevant to the trial of these charges in response to the Department's request. No matters of legislative privilege are involved.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 71

Whereas, in the case of *United States v. Ladd Anthony,* Cr. No. 88-271, pending in the United States District Court for the Northern District of Ohio, the Department of Justice has requested the testimony of Candy Korn, a present member, and Peter Harris, a former member, of Senator Metzenbaum's staff;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony or documents, papers, and records of the Senate may be needful for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That Candy Korn and Peter Harris are authorized to testify in the case of *United States v. Ladd Anthony.*

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. MITCHELL. Mr. President, I inquire of the acting Republican leader whether calendar items numbered 5 through 20 have been cleared on his side of the aisle.

Mr. STEVENS. Yes, those items are cleared on this side of the aisle.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar items 5 through 20 en bloc; that, as necessary, they be read for the third time and passed or agreed to; that the preambles, where indicated, be agreed to; and that the motions to reconsider on all votes be tabled en bloc.

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

PRINTING OF ADDITIONAL COPIES OF A SENATE REPORT

The resolution (S. Res. 53) authorizing printing additional copies of Senate report titled "Developments in Aging: 1988," was considered, and agreed to.

The resolution is as follows:

S. RES. 53

Resolved, That there shall be printed for the use of the Special Committee on Aging the maximum number of copies of volumes 1 and 2 of its annual report to the Senate, entitled "Developments in Aging: 1988", which may be printed at a cost not to exceed $1,200.

JEWISH HERITAGE WEEK

The joint resolution (S.J. Res. 25) to designate the week of May 7, 1989, as "Jewish Heritage Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 25

Whereas May 10, 1989, marks the forty-first anniversary of the founding of the State of Israel;

Whereas the months of April, May, and June contain events of major significance in the Jewish calendar—Passover, the anniversary of the Warsaw Ghetto Uprising, Holocaust Memorial Day, and Jerusalem Day;

Whereas the Congress recognizes that an understanding of the heritage of all American ethnic groups contributes to the unity of our country; and

Whereas intergroup understanding can be further fostered through an appreciation of the culture, history and traditions of the Jewish community and the contributions of Jews to our country and society; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of May 7, 1989, through May 14, 1989, is designated as "Jewish Heritage Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States, State and local government agencies, and interested organizations to observe the week with appropriate ceremonies, activities and programs.

NATIONAL WOMEN AND GIRLS IN SPORTS DAY

The joint resolution (S.J. Res. 32) to designate February 2, 1989, as "National Women and Girls in Sports Day" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble are as follows:

S.J. RES. 32

Whereas women's athletics is one of the most effective avenues available through which women of America may develop self-discipline, initiative, confidence, and leadership skills;

Whereas support and fitness activity contributes to emotional and physical well-being and women need strong bodies as well as strong minds;

Whereas the history of women in sports is rich and long, but there has been little national recognition of the significance of women's athletic achievements;

Whereas the number of women in leadership positions of coaches, officials, and administrators has declined drastically over the last decade and there is a need to restore women to these positions to ensure a fair representation of women's abilities and to provide role models for young female athletes;

Whereas the bonds built between women through athletics help to break down the social barriers of racism and prejudice;

Whereas the communication and cooperation skills learned through athletic experience play a key role in the athlete's contributions at home, at work, and to society;

Whereas women's athletics has produced such winners as Flo Hyman, whose spirit, talent, and accomplishments distinguished her above others and exhibited for all of us the true meaning of fairness, determination, and team play;

Whereas parents feel that sports are equally important for boys and girls and that sports and fitness activities provide important benefits to girls who participate;

Whereas early motor-skill training and enjoyable experiences of physical activity strongly influence life-long habits of physical fitness;

Whereas the performances of such female athletes as Jackie Joyner-Kersee, Florence Griffith Joyner, Bonnie Blair, Janet Evans, the U.S. Women's Basketball Team and many others in the 1988 Olympic Games were a source of inspiration and pride to all of us;

Whereas the athletic opportunities for male students at the collegiate and high school level remain significantly greater than those for female students; and

Whereas the number of funded research projects focusing on the specific needs of women athletes is limited and the information provided by these projects is imperative to the health and performance of future women athletes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 2, 1989, is hereby designated as "National Women and Girls in Sports Day", and the President is authorized and requested to issue a proclamation calling upon local and State jurisdictions, appropriate Federal agencies, and the people of the United States to observe the day with appropriate ceremonies and activities.

NATIONAL MINORITY CANCER AWARENESS WEEK

The joint resolution (S.J. Res. 34) designating the week of April 16, 1989 through April 22, 1989, as "National Minority Cancer Awareness Week" was considered, ordered to be en-

grossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 34

Whereas the month of April each year is designated as National Cancer Month for the purpose of promoting increased awareness of the causes, types, and treatments of cancer;

Whereas the National Cancer Institute has recognized that significant differences exist in the incidence of cancer and survival rates for cancer patients between minority and economically disadvanged communities in the United States and the population in general;

Whereas increased awareness of the causes of cancer and available treatments will help reduce cancer rates among minorities and the economically disadvantaged through preventive measures and will improve survival rates for cancer patients through early diagnosis;

Whereas a comprehensive national approach is needed to increase awareness about cancer among minorities and economically disadvantaged persons, and to encourage health care professionals, researchers, and policy makers to develop solutions to the cancer-related problems unique to these communities; and

Whereas focusing public attention on cancer in minority and economically disadvantaged communities during one week so designated will have a positive impact on preventive health care and treatment in these communities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 16, 1989, through April 22, 1989, is designated as "National Minority Cancer Awareness Week", and the President is autorized and requested to issue a proclamation calling upon the people of the United States and all Federal, State, and local government officials to observe the week with appropriate programs and activities.

NATIONAL OSTEOPOROSIS PREVENTION WEEK OF 1989

The joint resolution (S.J. Res. 37) designating the week beginning May 14, 1989, as "National Osteoporosis Prevention Week of 1989" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 37

Whereas osteoporosis, a degenerative bone condition, afflicts 25,000,000 people in the United States;

Whereas osteoporosis afflicts 90 percent of women over age 75;

Whereas 50 percent of all women in the United States over age 45 will develop some form of osteoporosis;

Whereas hip fractures are the most disabling outcome of osteoporosis, and 32 percent of women and 17 percent of men who live to age 90 will likely suffer a hip fracture due primarily to osteoporosis;

Whereas the mortality rates for people who suffer a hip fracture increase by 20 percent, with such fractures resulting in the death of over 50,000 older women and many older men each year;

Whereas 15 to 25 percent of people who suffer a hip fracture stay in a long-term care facility for at least one year after the fracture occurs, and 25 to 35 percent of people who return home from a long-term care facility after recovering from a hip fracture require assistance with daily living after returning home;

Whereas the total cost to society of dealing with osteoporosis was over $10,000,000,000 in 1988 and such cost is expected to rise as the population ages;

Whereas osteoporosis is associated with the loss of bone mass due to a lack of estrogen as a result of menopause, alcohol or cigarett use, and low calcium intake;

Whereas exercise and proper nutrition before an individual is age 35 will build bone mass to help prevent osteoporosis; and

Whereas people who suffer from osteoporosis should be aware of the increased risk of bone fractures, and should take precautions to reduce the chance of accidents that may result in bone fractures due primarily to osteporosis: Now, therefore, be it:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning May 14, 1989, is designated as "National Osteoporosis Prevention Week of 1989", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with approriate programs and activities.

NATIONAL STUDENT-ATHLETE DAY

The joint resolution (S.J. Res. 39) to designate April 6, 1989, as "National Student-Athlete Day" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 39

Whereas, the student-athlete represents a role model worthy of emulation by America's youth;

Whereas, the past athletic successes of many of America's business, governmental, and educational leaders dispell the myth that successful athletes are one-dimensional;

Whereas, such worthy values and behaviors as perseverance, teamwork, self-discipline, and commitment to a goal are fostered and promoted by both academic and athletic pursuits;

Whereas, participation in athletics, together with education, provides opportunities to develop valuable social and leadership skills and to gain an appreciation of ethnic and racial groups different from one's own;

Whereas, in spite of all the positive aspects of sport, overemphasis on sport at the expense of education can cause serious harm to an athlete's future;

Whereas, the pursuit of victory in athletics among our nation's schools and colleges too often leads to exploitation and abuse of the student-athelete;

Whereas, less than one in one hundred high school athletes ever play Division I college athletics;

Whereas, while college athletes in general graduate at the same rate as other students, less than 30 per centum of scholarship athletes in revenue producing sports even graduate;

Whereas, only one in ten thousand high school athletes who dream of a career in professional sports ever realize that aspiration, while those who do can expect a professional sports career of less than four years;

Whereas, thousands of America's youth sacrifice academic achievement to the dream of professional athletics;

Whereas, the practice of keeping athletes eligible for participation on a team, even at the high school level, must be abandoned for a policy of ensuring a meaningful education and degree;

Whereas, coaches, parents, and educators of student-athletes must express high expectations for academic performance as well as for athletic performance; and

Whereas, there is a need in this Nation to reemphasize the "student" in the term "student-athlete": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 6, 1989, is designated as "National Student-Athlete Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate programs, ceremonies, and activities.

NATIONAL ARBOR DAY

The joint resolution (S.J. Res. 40) to authorize the President to proclaim the last Friday of April 1989 as "National Arbor Day" was considered, ordered to be engrossed for a third reading, read third time, and passed.

The joint resolution is as follows:

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April 1989 as "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

CRIME VICTIMS WEEK

The Senate proceeded to consider the joint resolution (S.J. Res. 44) designating the week of April 9, 1989, as "Crime Victims Week."

Mr. THURMOND. Mr. President, I am pleased that we are today voting on Senate Joint Resolution 44, legislation which would designate the week of April 9-15, 1989, as "Crime Victims Week." Fifty-four Members of the Senate have joined me as cosponsors on this commemorative which focuses America's attention on the plight of the victims of crime.

It is a sad legacy that over the past few years, nearly 35 million Americans were victimized annually by criminal acts; 6 million individuals per year are raped, robbed, beaten, or murdered. The impact of crime is devastating to innocent victims and their families. In addition to the physical injuries and

the financial losses, the victim is further scarred with the emotional loss of one's sense of dignity, security, and trust in other human beings. It is disturbing that the likelihood of becoming a victim of violent crime is now greater than that of being injured in an automobile accident.

Further compounding the pain and anguish victims must endure has been an historical insensitivity to their plight. The criminal justice system has oftentimes ignored the rights of victims before making crucial decisions regarding their cases or failed to notify them that a defendant had been released on bail. While the system offered legal representation and other forms of aid to the accused, it offered minimal assistance to the victim in recovering from the tremendous burden resulting from victimization.

Six years ago, the President's Task Force on Victims of Crime presented an agenda to correct these injustices and restore balance to the criminal justice system. At the Department of Justice, an Office for Victims of Crime was established within the Office of Justice Programs for the purpose of helping States implement the task force's recommendations. The Federal Government began awarding fines collected from convicted Federal offenders to the States to aid victims of crime. In addition, the National Victims Resource Center within the Office for Victims of Crime was established to provide information on victim assistance programs and laws. Largely as a result of these efforts, community programs for victims have grown in number and now every State has a designated agency responsible for victim services.

Much progress is being made to help the victims adjust, but much more needs to be done. Through the continued efforts of State and local governments and private organizations and concerned citizens, the trauma suffered by the innocent victims of crime will be eased.

The joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follow:

S.J. RES. 44

Whereas millions of Americans are victims of crime each year;

Whereas many of those crime victims are traumatized further by the physical, psychological, and financial burdens resulting from their victimizations;

Whereas the sensitivity of our Nation's criminal justice system must be improved when working with crime victims and their families.

Whereas much progress has been made to correct these injustices by implementing in the Federal, State, local, and private sectors the recommendations of the President's Task Forse on Victims of Crime; and

Whereas continuation of these efforts must be encouraged to ensure the restoration of balance to our Nation's criminal justice system and the fair and compassionate treatment of crime victims and their families; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 9, 1989, is designated as "Crime Victims Week", and the President is authorized and request to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

OLDER AMERICANS MONTH

The joint resolution (S.J. Res. 45) designating May 1989 as "Older Americans Month" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble, are as follows:

S.J. RES. 45

Whereas older Americans have contributed many years of service to their families, their communities, and the Nation;

Whereas the population of the United States is comprised of a large percentage of older Americans representing a wealth of knowledge and experience;

Whereas older Americans should be acknowledged for the contributions they continue to make to their communities and the Nation; and

Whereas many States and communities acknowledge older Americans during the month of May: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the traditional designation of the month of May as "Older Americans Month" and the repeated expression by the Congress of its appreciation and respect for the achievements of older Americans and its desire that these Americans continue to play an active role in the life of the Nation, the President is authorized and requested to issue a proclamation designating the month of May 1989 as "Older Americans Month" and calling on the people of the United States to observe that month with appropriate programs, ceremonies, and activities.

NATIONAL CHILD CARE AWARENESS WEEK

The joint resolution (S.J. Res. 50) to designate the week beginning April 2, 1989, as "National Child Care Awareness Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 50

Whereas the status and composition of the family in the United States is constantly changing;

Whereas today 57 percent of all women with children younger than six years of age work outside the home;

Whereas by 1995, two-thirds of all preschool children and more than three-quarters of all school-age children will have mothers in the work force;

Whereas the increasing participation of women in the work force will continue to increase the demand for child care during the working hours;

Whereas adequate child care is an increasingly important element in enhancing the productivity of the work force and enabling parents to receive additional job training;

Whereas child care experts have long known that a child's first five years are the ideal base to support lifelong learning, and child care providers in both homes and child care centers can provide vital assistance to parents in these critical years;

Whereas the collaboration of public and private efforts is essential to developing accessible, high quality child care;

Whereas the National Association for the Education of Young Children is sponsoring a week of the young child, and it is appropriate for Congress to designate the same week as a period devoted to increasing public awareness of child care issues;

Whereas communities across the United States are planning special activities to honor child care providers to illustrate the importance of high quality child care during that week; and

Whereas all children deserve high quality child care, and all parents have a profound obligation to provide a safe wholesome environment for their children at all times: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning April 2, 1989, is designated as "National Child Care Awareness Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

NATIONAL CANCER AWARENESS MONTH

The joint resolution (S.J. Res. 51) to designate the month of April, 1989, as "National Cancer Awareness Month" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble, are as follow:

S.J. RES. 51

Whereas cancer is one of the most urgent medical challenges of our day;

Whereas an estimated 494,000 Americans died of cancer in 1988;

Whereas cancer is predicted to strike in three out of four American families during a lifetime;

Whereas 174,000 American lives can be saved this year through the early detection and treatment of cancer;

Whereas it is appropriate and cost-effective to focus the attention of the Nation on the importance of cancer research and preventative cancer examinations; and

Whereas there is good news concerning cancer with 3,000,000 Americans alive today who have been "cured" of cancer: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of April, 1989, is designated as "National Cancer Awareness Month", and the Presi-

dent is authorized and requested to issue a proclamation calling on the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

EXPRESSING GRATITUDE FOR LAW ENFORCEMENT PERSONNEL

The joint resolution (S.J. Res. 52) to express gratitude for law enforcement personnel was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follow:

S.J. RES. 52

Whereas the first day of May of each year has been designated as "Law Day U.S.A." and set aside as a special day to advance equality and justice under law, to encourage citizen support for law enforcement and law observance, and to foster respect for law and an understanding of the essential place of law in the life of every citizen of the United States;

Whereas each day police officers and other law enforcement personnel perform their duties unflinchingly and without hesitation;

Whereas each year tens of thousands of law enforcement personnel are injured or assaulted in the course of duty and many are killed;

Whereas law enforcement personnel are devoted to their jobs, are underpaid for their efforts, and are tireless in their work; and

Whereas law enforcement personnel perform their duties without adequate recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in celebration of "Law Day, U.S.A.", May 1, 1989, the grateful people of this Nation give special emphasis to all law enforcement personnel of the United States, and acknowledge the unflinching and devoted service law enforcement personnel perform as such personnel help preserve domestic tranquillity and guarantee the legal rights of all individuals of this Nation.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

The joint resolution (S.J. Res. 56), designating April 23 through April 29, 1989, and the last week of April of each subsequent year as "National Organ and Tissue Donor Awareness Week", was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The joint resolution is as follows:

S.J. RES. 56

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 23 through April 29, 1989, and the last full week of April of each subsequent year are designated as "National Organ and Tissue Donor Awareness Week", and the President is authorized and requested to issue a proclamation acknowledging such week.

HIGH SCHOOL RESERVE OFFICER TRAINING CORPS RECOGNITION DAY

The Senate proceeded to consider the joint resolution (S.J. Res. 58) to designate May 17, 1989, as "High School Reserve Officer Training Corps Recognition Day."

Mr. DOMENICI. Mr. President, I urge the Senate to support Senate Joint Resolution 58, which declares May 17, 1989, as "High School Reserve Officer Training Corps Recognition Day."

This joint resolution was reported by the Senate Judiciary Committee on February 23, and is the first such joint resolution to come before the Senate to honor the dedicated young men and women who are involved in the high school ROTC Program.

I am pleased that this resolution has attracted broad bipartisan support, as demonstrated by the large number of Democrats and Republicans among the 56 cosponsors. Their support has been for good reason!

Since their establishment in 1916, the Reserve Officer Training Corps high school divisions have helped prepare hundreds of thousands of young men and women to take on the responsibilities of citizenship, once their high school years are completed.

Today, approximately 250,000 young men and women participate in the High School ROTC Program, which has nearly 1,500 Army, Navy, Air Force, and Marine Corps units.

Not only has this program given young cadets the opportunity to participate in vocational or academic high school ROTC programs while earning credit for graduation, but it has also given them the chance to understand the honor of serving our great country.

Through the High School ROTC Program, cadets have been able to provide service to their school and to their community while learning the importance of citizenship, leadership, teamwork, academic excellence, physical fitness, and self-confidence.

These are characteristics that are demonstrated in all walks of life by the military personnel, business professionals, writers, painters, and persons of countless other occupations who have had the experience of the Reserve Officer Training Corps.

While my own State of New Mexico ranks 25th in the Nation, according to the number of high school ROTC units—Texas, Florida, and California hold the top three spots—I can honestly say that the dedication, determination, and diligence that I have seen in New Mexico's 18 active units places us at the very top of the list when it comes to pride!

Our New Mexico cadets, however, share that pride with the remaining 1,454 high school units that make up the ROTC high school divisions throughout the United States, plus the Department of Defense Dependent Schools in the Caribbean, the Pacific, Asia, and Europe.

Mr. President, support for this resolution indicates support for the hard work and achievements of America's young citizens, instructors, and past participants of the High School ROTC Program. Frankly, their dedication deserves nothing less than our full support and encouragement.

The joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble, are as follows:

S.J. RES. 58

Whereas in 1916 the Congress authorized the establishment of high school divisions of the Reserve Officer Training Corps;

Whereas hundreds of high schools across the United States, and United States operated high schools abroad, offer High School Reserve Officer Training Corps programs of the various military services;

Whereas High School Reserve Officer Training Corps programs have provided a valuable and unique learning opportunity for hundreds of thousands of high school students for almost four generations;

Whereas the programs of instruction for High School Reserve Officer Training Corps units concentrate on the development of desirable traits in its participants, such as good citizenship, leadership, teamwork, individual initiative, and pride and respect for the United States, its flag, laws, and Constitution;

Whereas the High School Reserve Officer Training Corps programs, being highly successful in developing desirable traits in its participants, have made a valuable contribution to the United States and to the education of the youth of our Nation;

Whereas it is appropriate to acknowledge and honor the contribution of the High School Reserve Officer Training Corps, and its cadets and instructors, both past and present; and

Whereas May 17, 1989, marks the seventy-third anniversity of the authorization of the High School Reserve Officer Training Corps: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 17, 1989, is hereby designated as "High School Reserve Officer Training Corps Recognition Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activies.

NATIONAL DRINKING WATER WEEK

The joint resolution (S.J. Res. 60) to designate the period commencing on May 1, 1989, and ending on May 7, 1989, as "National Drinking Water Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble, are as follows:

S.J. RES. 60

Whereas water itself is God-given, and the drinking water that flows dependably through our household taps results from the dedication of men and women who operate the public water systems of collection, storage, treatment, testing, and distribution that insures that drinking water is available, affordable, and of unquestionable quality;

Whereas the advances in health effects research and water analysis and treatment technologies, in conjunction with the Safe Drinking Water Act Amendments of 1986 (Public Law 99-339), could create major changes in the production and distribution of drinking water;

Whereas this substance, which the public uses with confidence in so many productive ways, is without doubt the single most important product in the world and a significant issue of the future;

Whereas the public expects high quality drinking water to always be there when needed; and

Whereas the public continues to increase its demand for drinking water of unquestionable quality: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on May 1, 1989, is designed as "National Drinking Water Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such period with appropriate ceremonies, activities, and programs designed to enhance public awareness of drinking water issues and public recognition of the difference that drinking water makes to the health safety, and quality of the life we enjoy.

BALTIC FREEDOM DAY

The joint resolution (S.J. Res. 63) designating June 14, 1989, as "Baltic Freedom Day," and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble, are as follows:

S.J. RES. 63

Whereas the people of the Republics of Lithuania, Latvia, and Estonia (hereinafter referred to as the "Baltic Republics") have cherished the principles of religious and political freedom and independence;

Whereas the Baltic Republics existed as independent, sovereign nations and as fully recognized members of the League of Nations;

Whereas 1989 marks the 50th anniversary of the infamous Molotov-Ribbentrop Pact in which the Soviet Union colluded with Nazi Germany, thus allowing the Soviet Union in 1940 to illegally seize and occupy the Baltic Republics and to incorporate such republics by force into the Soviet Union against the national will and the desire for independence and freedom of the people of such republics;

Whereas due to Soviet and Nazi tyranny, by the end of World War II, 20 percent of the total population of the Baltic Republics had been lost;

Whereas the people of the Baltic Republics have individual and separate cultures and national traditions and languages which are distinctively foreign to those of Russia;

Whereas since 1940, the Soviet Union has systematically implemented Baltic genocide by deporting native Baltic peoples from Baltic homelands to forced labor and concentration camps in Siberia and elsewhere;

Whereas by relocting masses of Russians to the Baltic Republics, the Soviet Union has threatened the Baltic cultures with extinction through russification;

Whereas through a program of russification, the Soviet Union has introduced ecologically unsound industries without proper safeguards into the Baltic Republics, and the presence of such industries has resulted in deleterious effects on the environment and well-being of the Baltic people;

Whereas the Soviet Union, despite recent pronouncements of openness and restructuring, has imposed upon the captive people of the Baltic Republics an oppressive political system which has destroyed every vestige of democracy, civil liberty, and religious freedom;

Whereas the people of the Baltic Republics are subjugated by the Soviet Union, are locked into a union such people deplore, are denied basic human rights, and are persecuted for daring to protest;

Whereas the Soviet Union refuses to abide by the Helsinki accords which the Soviet Union voluntarily signed;

Whereas the United States stands as a champion of liberty, is dedicated to the principles of national self-determination, human rights, and religious freedom, and is opposed to oppression and imperialism;

Whereas the United States, as a member of the United Nations, had repeatedly voted with a majority of that international body to uphold the right of other countries of the world to self-determination and freedom from foreign domination;

Whereas the Soviet Union has steadfastly refused to return to the people of the Baltic Republics the right to exist as independent republics, separate and apart from the Soviet Union, or to permit a return of personal, political and religious freedoms; and

Whereas 1989 marks the 49th anniversary of the continued policy of the United States of not recognizing the illegal forcible occupation of the Baltic Republics by the Soviet Union: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the Congress recognizes the continuing desire and right of the people of the Baltic Republics for freedom and independence from the domination of the Soviet Union;

(2) the Congress deplores the refusal of the Soviet Union to recognize the sovereignty of the Baltic Republics and to yield to the rightful demands for independence from foreign domination and oppression by the people of the Baltic Republics;

(3) June 14, 1989, the anniversary of the mass deportation of Baltic peoples from their homelands in 1941, is designated as "Baltic Freedom Day", as a symbol of the solidarity of the people of the United States with the aspirations of the enslaved Baltic people; and

(4) the President is authorized and requested—

(A) to issue a proclamation calling upon the people of the United States to observe Baltic Freedom Day with appropriate ceremonies and activities, and

(B) to call upon the Soviet Union, the Federal Republic of Germany, and the Democratic Republic of Germany to renounce the acquisition or absorption of the Baltic Republics by the Soviet Union as a result of the Molotov-Ribbentrop Pact.

SENATE RESOLUTION 68 INDEFINITELY POSTPONED

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senate Resolution 68 be indefinitely postponed.

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

ORDER AUTHORIZING FILING OF REPORTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Armed Services Committee be permitted to file its report this evening on the nomination of John G. Tower, to be Secretary of Defense.

Mr. STEVENS. Mr. President, reserving the right to object, and I shall not object, I assume that includes the filing of the minority report.

Mr. MITCHELL. Yes, indeed.

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

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

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

TIME LIMITATION AGREEMENT—SENATE RESOLUTION 72

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that when the Senate considers the resolution regarding the author Salman Rusdie to be offered by myself and others, it be considered under the following time limitation, which is to say 20 minutes on the resolution to be equally divided between myself and the Republican leader or his designee with no amendments or motions to be in order with respect to the resolution.

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

Mr. MOYNIHAN. I thank the Chair.

RESOLUTION CONDEMNING THE THREATS AGAINST THE AUTHOR AND PUBLISHERS OF THE "SATANIC VERSES"

Mr. MOYNIHAN. Mr. President, I send to the desk a resolution condemning the threats against the author and publishers of the "Satanic Verses." I do so for myself, Mr. MITCHELL, Mr. DOLE, Mr. PELL, Mr. HELMS, Mr. SAN-

FORD, Mr. GORTON, Mr. GRAHAM, Mr. SIMON, and Mr. D'AMATO.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 72) condemning the threats against the author and publishers of "Satanic Verses."

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

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

Mr. MOYNIHAN. Mr. President, this matter was on the Senate floor last week, and only a long meeting of the Committee on Armed Services prevented our adopting it.

It states in the most emphatic terms that the United States absolutely rejects the intellectual terrorism practiced by the Ayatollah Khomeini. He has called for the assassination of a Moslem-born author residing in Britain. He has also called for attacks upon, vengeance upon, and violence to the publishers of "Satanic Verses," Viking Penguin in New York.

Let it be understood in the parts of the world from whence such threats emanate: We are not intimidated and the resources of civilization against its enemies are not exhausted.

It is important to note that this resolution is sponsored by the chairman and ranking member of the Committee on Foreign Relations and of course by our distinguished leaders, the majority leader and the Republican leader.

Mr. DOLE. Mr. President, I am pleased to join with the principal author, Senator MOYNIHAN, with the distinguished majority leader, Senator MITCHELL; with Senators PELL, HELMS, GORTON, D'AMATO and others—in cosponsoring this important resolution. I also want to note the contribution that Senator WALLOP has made to the crafting of this resolution, and to the effort to get Senate action on this important subject.

We are not here as book critics. I haven't read the book in question, and I do not intend to. And we are not here to pass judgment on anyone's religions views. That is not the job of the Senate.

But it is not only the job, but the responsibility, of the Senate to say, loud and clear: There is an internationally recognized standard of civilized behavior; and it never includes levying international "death warrants," without any due process or recognition of individual rights, on anyone—author, publisher, or anyone else.

And it is also our responsibility to reaffirm our four square, unequivocal opposition to terrorism in all its forms—whether it is the terrorism of an individual fanatic, like the Ayatollah Khomeini: of the terrorism of the state that he runs with an iron fist, and a heart of hate and intolerance; or the terrorism of a mob.

Terrorism is terrorism. It is abhorrent. It must be condemned. There is no justification for it, period.

That is the policy of this country, and of civilized countries everywhere. That is the essence of this resolution.

Let us underscore our continuing commitment to this policy, this strong and necessary policy, by passing this resolution. And let that act be encouragement to those who refuse to buckle under to the threats of terrorists, and a rebuke to the Khomeinis of the world, who care not a whit for anyone's rights or beliefs but their own.

Mr. MOYNIHAN. Mr. President, I have also to inform the Senate of something we had thought would not happen in our State of New York. Early this morning the office of the Riverdale Press, a highly respected weekly newspaper in New York City, was fire bombed and all but destroyed.

This was done in the aftermath of an editorial published by that newspaper; a thoughful, moderate, but firm editorial defending the right to publish, to distribute and to sell. The editorial comment was entitled "The Tyrant and His Chains," and begins, "How fragile civilization is; how easily, how merrily a book burns."

Mr. President, as a statement of solidarity with the publishers of the Riverdale Press, I ask unanimous consent that this editorial be printed in the RECORD at this point.

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

THE TYRANT AND HIS CHAINS

How fragile civilization is; how easily, how merrily a book burns," wrote Salman Rushdie when a group of English Moslems publicly burned copies of his novel, "The Satanic Verses," in West Yorkshire last month.

The powers of reason and imagination are indeed the underpinnings of our civilization. To suppress a book or punish an idea is to express contempt for the people who read the book or consider the idea. In preferring the logic of the executioner to the logic of debate, the bookburners and the Ayatollah Khomeini display their distrust for the principle on which self-government rests, the wisdom and virtue of ordinary people.

Americans are fighting back in the most appropriate way possible, by reading and talking about Mr. Rushdie's book. But the cowardly connivance of the big book chains with the Ayatollah is placing obstacles in the way of this counter-attack.

Waldenbooks, the nation's largest chain, began the retreat last Thursday when it removed the book from the shelves of its 1,200 stores. B. Dalton and Barnes & Noble dropped the book the next day, adding another 1,250 stores that won't carry it.

In Riverdale, we're fortunate to have an independent book seller. Readers, not fearful executives, had stripped Paperbacks Plus of "The Satanic Verses" by this weekend. The store has reordered the book and will continue to sell it.

In much of the country however, the big chains are the only game in town. They account for an estimated 20 to 30 percent of all book sales, and their power can make or break a title. Will Viking continue to order reprintings of "The Satanic Verses", if so will many stores refuse to sell it? If not, the chains will have helped win a victory for terrorism.

The chain store executives excuse their surrender to the Ayatollah by expressing concern for the wellbeing of their employees, but by knuckling under they've put others at risk. If a threat can knock the books from the shelves of the Big Three, terrorists may reason, think what a bomb in an uncompliant bookstore could do.

Moreover, terrorism feeds on its successes. What will Waldenbooks do when a homegrown would-be tyrant demands the removal of a politically controversial book from its shelves? And how will it handle the next step, a demand that stores stock a particular book?

The bookstore chains have enormous power. Their decisions can determine what thoughts are disseminated in what form. With that power should go responsibility. Selling books is not the same as selling socks or sundries. Book stores sell ideas and visions; they feed the mind and spirit. They have an obligation to safeguard the freedom of expression.

Independent book stores can't match the buying power of the chains, and therefore can't match their discounted prices. Their proprietors like to say that what they offer to readers who pay full price for their books is service. To that, they can now add something more important: the small additional cost is the price of freedom.

Mr. MOYNIHAN. Mr. President, I do not wish to delay the Senate. This is a matter which has been thoroughly agreed to and I think that it would receive the unanimous support of the body.

I do not observe a representative of the Republican leader on the floor at this point. We have concluded our business for the day.

And knowing that, he is a cosponsor, a principal cosponsor, in the circumstances I would ask whether I might move to have both sides yield back their time under the rule.

The PRESIDING OFFICER. The Senator can certainly do that by consent.

Mr. MOYNIHAN. I do ask unanimous consent that both sides yield back their time under the rule.

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

Mr. MOYNIHAN. In that case, Mr. President, I move adoption of the sense-of-the-Senate resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 72) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 72

Whereas, on February 14, 1989, Ayatollah Ruhollah Khomeini of the Islamic Republic of Iran called for the assassination of Salman Rushdie, author of "Satanic Verses," and of the officers of Viking, the U.S. publisher of the book;

Whereas, Viking officers have received death threats since the publication of the book, and Viking offices have been evacuated several times following bomb threats;

Whereas on February 21, 1989, President George Bush condemned Iran's threat against Mr. Rushdie and his publisher as "deeply offensive to the norms of civilized behavior": Now, therefore, be it

Resolved by the Senate, That in recognition of threats of violence made against the above mentioned author and publisher, the Senate—

(1) declares its commitment to protect the right of any person to write, publish, sell, buy, and read books without fear of intimidation and violence;

(2) unequivocally condemns as state-sponsored terrorism, the threat of the government of Iran and Ayatollah Ruhollah Khomeini to assassinate citizens of other countries on foreign soil;

(3) expresses its support for the publishers and booksellers who have courageously printed, distributed, sold, and displayed "Satanic Verses" despite the threats they have received;

(4) applauds President Bush for his strongly worded statement of outrage against the Iranian government's actions and calls upon the President to continue to condemn publicly any and all threat's made against the author and his publishers;

(5) commends the European Community member states for withdrawing their diplomatic corps from Iran in response to the Ayatollah's death sentences;

(6) recognizes the sensitivity of religious beliefs and practices, respects all religions and the commitment of the religious to their faith, and repudiates religious intolerance and bigotry, and

(7) calls upon the President of the United States to take swift and proportionate action in consultation, as appropriate, with other interested governments, in the event that violent acts should occur.

Mr. MOYNIHAN. Mr. President, I thank the Chair for its great courtesy. I hope that the Nation and the world will take note that the Senate has spoken.

I say once again that this would have occurred last week save for a certain inadvertence in a committee schedule.

Mr. President, I see no one else seeking the floor, and I accordingly suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NOMINATION OF JOHN TOWER TO BE SECRETARY OF DEFENSE

Mr. HUMPHREY. Mr. President, relative to the Tower nomination, I made an interesting calculation today, or I should say I asked my staff to do it. Here is what they found: Among the Members of this body who are now holding office, there is a corporate knowledge of John Tower totaling 651 years.

This Senator has known Senator Tower for 10 years. I served with him for 6 years on the Armed Services Committee for I suppose thousands of hours in public and observed Senator Tower for scores of hours in private during those 6 years. And never once did this Senator see John Tower compromised in any way. I never saw him drink excessively, can barely remember him ever taking a drink, never saw him drink excessively, never saw him in any way under the influence of alcohol, certainly never saw him inebriated in public or in private at any time; never saw him compromised in any way, in any respect; never saw him compromised, period, in those 10 years, 6 years at close range.

So my part of that 651 years, that 6½ centuries of corporate personal knowledge, which this body possesses of the nominee, my part is 10 years. But my observations, as I gather, are not the least bit unique. There is not another Senator whom I have asked who ever saw John Tower in any way compromised.

We know that the FBI solicited opinions and recollections from a number of Senators, I am not sure quite on what basis those Senators were chosen, but it was clear that the FBI was soliciting from this body opinions and none of those Senators who were interviewed could recollect Senator Tower ever being compromised in any way. And we know for a fact, that those Senators who have known John Tower and whose corporate knowledge is 651 years, none of them have ever come forward either to the FBI in private, even on the basis of anonymity which the FBI offers, to say that they thought John Tower was in any way ill-suited or unsuited to this position; 651 years of knowledge and apparently some Members are prepared to throw that out in favor of a few ratty, unsubstantiated allegations in this FBI report.

I think that indicates what is going on here. It is preposterous, it is disturbing, and it is beginning to form a pattern, it seems to this Senator. This is Bork all over. I am not going to get into the Bork nomination, but it is the same tactic—smear, innuendo, false charges, name calling.

In my view, the real basis of opposition to John Tower, for the most part, is that he is very bright, probably has a more extensive knowledge, a greater expertise in defense matters than any citizen of this country. There might be two or three who exceed—I doubt it, but it is possible—John Tower's expertise. He is smart, he is expert, he is tough. That is probably his problem—he is tough. He is a tough Texan, a scrappy little guy. If he were an eastern establishment effete type, he would probably have clear sailing. But he is tough and he was very tough as chairman of that committee and he stepped on a lot of toes and now that is coming back to haunt him, in my opinion.

How else can you explain it? Throwing away 651 years of firsthand, close-up observation, not occasional observation, daily, virtually daily, observation. Makes you wonder what is going on here. It is pretty disillusioning to this Senator.

The FBI has investigated this nominee more thoroughly—not that he deserved it, but because of the way the process has been strung out and the invitation has been hung out for any malcontent in America who was willing to come forward, even on the telephone, with an anonymous charge and allegation. In any event, there can be no doubt that this nominee has been more thoroughly investigated than any nominee for any office requiring Senate confirmation in the history of this country.

Until just this week, that FBI report was not available to the bulk of the Members of this body. It was available only to the Armed Services Committee members. But, inasmuch as the Armed Services Committee has now acted as of last week, the report is available this week to the rest of us.

Like so many others, I have been trying to find time to leaf through that tome. The summary, Mr. President, as the Chair well knows—I observed him in the secure room today reading it conscientiously—the summary is about this thick and it is not even double spaced. It is a massive undertaking to review it.

I have been giving special attention to the sections devoted to the allegations that Senator Tower has drinking problems. I am not going to say that I have completed that yet because I have not been able to find enough time because, as I have said, anyone can get himself or herself recorded in an FBI investigation of this kind even on an anonymous basis, and it all gets very thoroughly documented. I have not finished it yet, but I am about halfway through these allegations that relate to the drinking charge. So far, so far, it appears to me that the White House is correct in its characterization.

The White House is saying that there are no charges relative to drinking allegations, there are no charges by persons willing to have their names used; that is to say, if you throw out the anonymous allegations, if you focus only on the allegations of persons who are willing to have their names used on a confidential basis, privacy and confidentiality protected, a name shared only with 100 citizens in this country who happen to be Members of this body, if you take just those, according to my reading so far,

there is no one allegation that is corroborated by a second party. Many of those allegations are disputed by second parties.

Well, I wanted to share that with whoever might be listening. Six hundred and fifty-one years of direct, personal, intimate contact with this man John Tower and some are prepared to give that about as much weight I guess as a feather duster and to give immense weight to this other rubbish.

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

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, 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 and treaties which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON ACTIVITIES UNDER THE HIGHWAY SAFETY ACT—MESSAGE FROM THE PRESIDENT—PM 22

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 Commerce, Science, and Transportation:

To the Congress of the United States:

The Highway Safety Act and the National Traffic and Motor Vehicle Safety Act, both enacted in 1966, initiated a national effort to reduce traffic deaths and injuries and require annual reports on the administration of the Acts. This is the 21st year that these reports have been prepared.

The report on motor vehicle safety includes the annual reporting requirement in Title I of the Motor Vehicle Information and Cost Savings Act of 1972 (bumper standards).

In the Highway Safety Acts of 1973, 1976, and 1978, the Congress expressed its special interest in certain aspects of traffic safety that are addressed in the volume on highway safety.

The national outrage against drunk drivers, combined with growing safety belt use and voluntary cooperation we have received from all sectors of American life, have brought about even more improvements in traffic safety.

In addition, despite large increases in the number of drivers and vehicles, the Federal standards and programs for motor vehicle and highway safety instituted since 1966 have contributed to a significant reduction in the fatality rate per 100 million miles of travel. The rate decreased from 5.5 in the mid-60's to the 1987 level of 2.4, the lowest in our history.

The important progress we have made is, of course, no consolation to the relatives and friends of those 46,386 people who, despite the safety advances and greater public awareness, lost their lives in 1987. But it is indicative of the positive trend established toward making our roads safer.

The loss of approximately 127 lives per day on our Nation's highways is still too high. Also, with the increasing motor vehicle travel, we are faced with the threat of an even higher number of traffic fatalities. Therefore, there is a continuing need for effective motor vehicle and highway safety programs.

We will continue to pursue highway and motor vehicle safety programs that are most effective in reducing deaths and injuries. We are convinced that significant progress in traffic safety can be achieved through the combined efforts of government, industry, and the public.

GEORGE BUSH.

THE WHITE HOUSE, *February 28, 1989.*

NATIONAL TRADE POLICY AGENDA—MESSAGE FROM THE PRESIDENT—PM 23

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports; which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with Section 1641 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418; 102 Stat. 1271), I hereby transmit the National Trade Policy Agenda for calendar year 1989; and an addendum to the Twenty-ninth Annual Report on the Trade Agreements Program, 1988, that was sent to the Congress on January 3, 1989. The addendum includes a statement on negotiations in the General Agreement on Tariffs and Trade (GATT) regarding an import fee for trade adjustment as required by Section 1428 of that Act.

GEORGE BUSH.

THE WHITE HOUSE, *February 28, 1989.*

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on February 27, 1989, received a message from the House of Representatives announcing that pursuant to section 11 of Public Law 99-158, the Speaker appoints as members of the Biomedical Ethics Board the following Members on the part of the House: Mr. WAXMAN, Mr. THOMAS A. LUKEN, Mr. ROWLAND of Georgia, Mr. GRADISON, Mr. TAUKE, and Mr. BLILEY.

The message also announced that pursuant to the provisions of 19 U.S.C. 2211, and upon the recommendation of the chairman of the Committee on Ways and Means, the Speaker has selected the following members of that committee to be accredited by the President as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the 1st session of the 101st Congress: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. JENKINS, Mr. CRANE, and Mr. FRENZEL.

The message further announced that pursuant to the provisions of section 3, Public Law 93-304, as amended by section 1 of Public Law 99-7, the Speaker appoints as members of the Commission on Security and Cooperation in Europe the following Members on the part of the House: Mr. HOYER, cochairman, Mr. FASCELL, Mr. MARKEY, Mr. RICHARDSON, Mr. FEIGHAN, Mr. RITTER, Mr. PORTER, Mr. SMITH of New Jersey, and Mr. WOLF.

The message also announced that pursuant to the provisions of section 244(a)(1)(b) of Public Law 100-607, the Speaker appoints to the National Commission on Acquired Immune Deficiency Syndrome the following on the part of the House: Mr. ROWLAND of Georgia; and, from private life: Mr. Scott Allen, Dallas, TX; Mr. Norman E. Zinberg, Cambridge, MA; Mr. Donald S. Goldman, Livingston, NJ; and Mrs. Diane Ahrens, St. Paul, MN.

The message further announced that pursuant to the provisions of section 4(a), Public Law 92-484, the Speaker appoints as members of the Technology Assessment Board the following Members on the part of the House: Mr. UDALL, Mr. BROWN of California, Mr. DINGELL, Mr. MILLER of Ohio, Mr. SUNDQUIST, and Mr. HOUGHTON.

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—596. A communication from the Deputy Secretary of Transportation, transmitting, pursuant to law, a report on a violation of the Antideficiency Act involving overobligation of an approved appropriation; to the Committee on Appropriations.

EC—597. A communication from the Assistant Secretary of Defense (Force Management and Personnel), transmitting, pursuant to law, the Department of Defense Manpower Requirements Report for fiscal year 1990; to the Committee on Armed Services.

EC—598. A communication from the Director of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, notice that the Strategic Defense Initiative Organization intends to exercise a provision of law providing for the exclusion of examination of records by the Comptroller General; to the Committee on Armed Services.

EC—599. A communication from the Chairman of the Commission on Merchant Marine and Defense, transmitting, pursuant to law, the fourth and final report of the Commission entitled "A Plan for Action"; to the Committee on Armed Services.

EC—600. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report entitled "Allies Assuming a Greater Share of the Common Defense Burden"; to the Committee on Armed Services.

EC—601. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notice of the intention of the Department of the Navy to offer certain vessels for lease to the Government of Brazil; to the Committee on Armed Services.

EC—602. A communication from the Secretary of Education, transmitting, pursuant to law, final funding priorities for Certain New Direct Grant Awards under the Office of Special Education; to the Committee on Labor and Human Resources.

EC—603. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Monetary Policy Report of the Board; to the Committee on Banking, Housing, and Urban Affairs.

EC—604. A communication from the Administrator of General Services, transmitting, pursuant to law, the sixth report on Federal actions taken to assist the homeless; to the Committee on Banking, Housing, and Urban affairs.

EC-605. A communication from the Acting Secretary of Housing and Urban Development, transmitting, pursuant to law, the 1988 interim annual report on the Neighborhood Development Demonstration Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-606. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the imposition of foreign policy export controls on certain chemicals and biological agents; to the Committee on Banking, Housing, and Urban Affairs.

EC-607. A communication from the Deputy Secretary of Transportation, transmitting, pursuant to law, a report on activities undertaken by the Department of Transportation to implement the Commercial Space Launch Act of 1984; to the Committee on Commerce, Science, and Transportation.

EC-608. A communication from the Assistant Vice President of the National Railroad Passenger Corporation (Government and Public Affairs), transmitting, pursuant to law, the annual report on each route operated by AMTRAK during fiscal year 1988, the 1989 Legislative Report, the fiscal year 1989 AMTRAK Compensation Report, and AMTRAK's 1988 Annual Report; to the Committee on Commerce, Science, and Transportation.

EC-609. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting a draft of proposed legislation entitled the "Advanced Solid Motor Contingent Liability Act"; to the Committee on Commerce, Science, and Transportation.

EC-610. A communication from the Acting Secretary of Energy, transmitting, pursuant to law, the annual report on the West Valley Demonstration Project; to the Committee on Energy and Natural Resources.

EC-611. A communication from the Acting Secretary of the Interior, transmitting, pursuant to law, the 1987 annual report of the Office of Surface Mining Reclamation and Enforcement; to the Committee on Energy and Natural Resources.

EC-612. A communication from the Acting Secretary of Energy, transmitting, pursuant to law, the quarterly report on the Strategic Petroleum Reserve for the fourth quarter of 1988 and the annual report for 1988; to the Committee on Energy and Natural Resources.

EC-613. A communication from the Deputy Associate Director of Collection and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore oil and gas lease revenues; to the Committee on Energy and Natural Resources.

EC-614. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of EPA's Financial Statements for Fiscal Year 1987"; to the Committee on Environment and Public Works.

EC-615. A communication from the Acting Director of the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, the final report on the use of dry cask storage at nuclear reactor sites to meet the utility industry's spent nuclear fuel storage needs through the start of operation of a permanent geologic repository; to the Committee on Environment and Public Works.

EC-616. A communication from the Chairman of the Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the safety research program of the Nuclear Regulatory Commission; to the Committee on Environment and Public Works.

EC-617. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, the Department's plan to restructure the quality control systems of the Aid to Families With Dependent Children and Medicaid Programs; to the Committee on Finance.

EC-618. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report of those Foreign Military Sales customers with approved cash flow financing in excess of $100 million as of October 1, 1988; to the Committee on Foreign Relations.

EC-619. A communication from the Chairman of the United States Advisory Commission on Public Diplomacy, transmitting, pursuant to law, the 1988 report of the Commission; to the Committee on Foreign Relations.

EC-620. A communication from the Assistant Legal Advisor For Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty-day period prior to February 16, 1989; to the Committee on Foreign Relations.

EC-621. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-304 adopted by the Council on November 29, 1988; to the Committee on Governmental Affairs.

EC-622. A communication from the Acting Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the annual report of the Agency on competition advocacy for fiscal year 1988; to the Committee on Governmental Affairs.

EC-623. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report of the Department on competition advocacy for fiscal year 1988; to the Committee on Governmental Affairs.

EC-624. A communication from the Director of the Division of Commissioned Personnel, Department of Health and Human Services, transmitting, pursuant to law, the annual report on the Public Health Service Commissioned Corps Retirement Plan for the year ended September 30, 1987; to the Committee on Governmental Affairs.

EC-625. A communication from the Chairman of the National Commission on Libraries and Information Science, transmitting, pursuant to law, the annual report on the system of internal control and financial systems of the Commission for calendar year 1988; to the Committee on Governmental Affairs.

EC-626. A communication from the Director of the Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1987; to the Committee on Governmental Affairs.

EC-627. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of Receipts and Disbursements of People's Counsel Agency Fund"; to the Committee on Governmental Affairs.

EC-628. A communication from the Deputy Secretary of Agriculture, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-629. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, the annual report on actions taken by the Department to increase competition and reduce the number and dollar value of noncompetitive contracts; to the Committee on Governmental Affairs.

EC-630. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1988; to the Committee on Governmental Affairs.

EC-631. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the fourteenth 90-day report on the investigation into the death of Enrique Camarena, the investigation into the disappearance of United States citizens in the State of Jalisco, Mexico, and the general safety of United States tourists in Mexico; to the Committee on Foreign Relations.

EC-632. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of report issued by the General Accounting Office in January 1989; to the Committee on Governmental Affairs.

EC-633. A communication from the Attorney General of the United States, transmitting, pursuant to law, recommendations concerning the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities; to the Committee on the Judiciary.

EC-634. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report on the amount deposited in the United States Trustee System Fund and a description of expenditures from that Fund for fiscal year 1988; to the Committee on the Judiciary.

EC-635. A communication from the Attorney General of the United States, transmitting, pursuant to law, the third annual report on the activities of the Department of Justice concerning enforcement of the Controlled Substance Registrant Protection Act; to the Committee on the Judiciary.

EC-636. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, the annual report for Fiscal Year 1987 of the activities under the Administration on Developmental Disabilities, Office of Human Development Services, and the Alcohol, Drug Abuse and Mental Health Administration, Public Health Service; to the Committee on Labor and Human Resources.

EC-637. A communication from the Secretary of the Department of Education, transmitting, pursuant to law, a document entitled "Final Regulations—Training Program for Special Programs Staff and Leadership Personnel;" to the Committee on Labor and Human Resources.

EC-638. A communication from the Secretary of the Department of Education, transmitting, pursuant to law, a document entitled "Assistance to Local Educational Agencies in Areas Affected by Federal Activities and Arrangements for Education of Children Where Local Educational Agencies Cannot Provide Suitable Free Public Education (Impact Aid); to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PRYOR, from the Special Committee on Aging:

Special Report entitled "Developments in Aging, Volumes I and II" (Rept. No. 101-4).

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 59. A resolution commending the Government and people of Pakistan on their return to democracy.

S. Con. Res. 15. A concurrent resolution concerning peace and famine relief in Sudan.

EXECUTIVE REPORTS ON COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

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

(The nominations ordered to lie on the Secretary's desk are printed in the RECORD of January 3, February 2, and February 8, 1989, at the end of the Senate proceedings.)

*Maj. Gen. Ronald W. Yates, USAF, to be lieutenant general (Reference No. 72).

*In the Air Force there are 32 appointments to the grade of major general (list begins with James G. Andrus) (Reference No. 74).

*In the Air Force Reserve there are 18 appointments to the grade of major general and below (list begins with Donald F. Ferrell) (Reference No. 75).

*In the Air Force Reserve there are 19 appointments to the grade of major general and below (list begins with Richard A. Freytag) (Reference No. 76).

*Gen. Joseph T. Palastra, Jr., USA, to be placed on the retired list in the grade of general (Reference No. 77).

*Col. John Evans Hutton, USA, to be brigadier general (Reference No. 80).

*In the Marine Corps there are 8 promotions to the grade of major general (list begins with Bobby G. Butcher) (Reference No. 81).

*Brig. Gen. G. Richard Omrod, USMCR, to be major general (Reference No. 82).

*Vice Adm. Richard M. Dunleavy, USN, to be reassigned in the grade of vice admiral (Reference No. 85).

*Vice Adm. Diego E. Hernandez, USN, to be reassigned in the grade of vice admiral (Reference No. 86).

*Vice Adm. Jerry O. Tuttle, USN, to be reassigned in the grade of vice admiral (Reference No. 87).

*Rear Adm. Paul D. Butcher, USN, to be vice admiral (Reference No. 88).

*Rear Adm. Raymond P. Ilg, USN, to be vice admiral (Reference No. 89).

*Rear Adm. (Lower Half) Milton Chipman Clegg, USN, to be rear admiral (Reference No. 91).

*In the Navy there are 4 promotions to the grade of rear admiral (list begins with Daniel B. Lestage) (Reference No. 92).

*Rear Adm. (Lower Half) William Bernard Finagin, USNR, to be rear admiral (Reference No. 93).

*In the Navy there are 6 promotions to the grade of rear admiral (lower half) (list begins with Richard Ira Ridenour) (Reference No. 96).

**In the Air Force Reserve there are 48 promotions to the grade of colonel (list begins with Eugene R. Andreotti) (Reference No. 97).

**In the Air Force there are 14 promotions to the grade of colonel and below (list begins with Normando R. Nepomuceno) (Reference No. 98).

**In the Air Force and Air Force Reserve there are 39 appointments to the grade of colonel and below (list begins with Ronald J. Bergman) (Reference No. 99).

**In the Air Force there are 9 promotions and appointments to the grade of lieutenant colonel and below (list begins with Virginia V. Renoudet) (Reference No. 100).

**In the Air Force Reserve there are 24 promotions to the grade of lieutenant colonel (list begins with Thomas R. Beckman) (Reference No. 101).

**In the Air Force Reserve there are 23 promotions to the grade of lieutenant colonel (list begins with Simeon D. Bateman, III) (Reference No. 102).

**In the Air Force there are 44 students of the Uniformed Services University of the Health Sciences Class of 1989 for appointment, effective upon their graduation, in a grade and rank to be determined by the Secretary of the Air Force (list begins with John S. Baxter) (Reference No. 103).

**In the Army there are 51 promotions to the grade of colonel (list begins with Barbara M. Alving) (Reference No. 104).

**Major Truman W. Crawford, U.S. Marine Corps, for appointment to the temporary grade of lieutenant colonel, pursuant to Article II, Section 2, Clause 2 of the Constitution (Reference No. 105).

**In the Marine Corps there are 11 appointments to the grade of second lieutenant (list begins with Joel M. Christy) (Reference No. 106).

**In the Navy Reserve there are 7 appointments to the grade of commander (list begins with Benjamin T. Po) (Reference No. 107).

**In the Navy and Navy Reserve there are 38 appointments to the grade of captain and below (list begins with Daniel M. Del Sobral, III) (Refeerence No. 108).

**In the Navy and Navy Reserve there are 24 appointments to the grade of commander and below (list begins with Gregg E. Bauer) (Reference No. 109).

**In the Navy there are 33 appointments to the grade of ensign (list begins with William J. Parker III) (Reference No. 110).

**In the Air Force Reserve there are 286 promotions to the grade of colonel (list begins with Roger M. Ashley) (Reference No. 111).

**In the Air Force there are 2,455 appointments to the grade of captain (list begins with Rawson G. Abernethy) (Reference No. 112).

**In the Air Force there are 53 appointments to the grade of second lieutenant (list begins with Patrick K. Adams) (Reference No. 113).

**In the Army there are 113 promotions to the grade of lieutenant colonel (list begins with Eric D. Adrian) (Reference No. 116).

**In the Army there are 602 appointments to the grade of lieutenant colonel and below (list begins with Shirley O. Ford) (Reference No. 117).

**In the Army there are 404 appointments to the grade of second lieutenant (list begins with Kenneth P. Adgie) (Reference No. 118).

**In the Army there are 1,393 appointments to the grade of second lieutenant (list begins with Michael C. Aaron) (Reference No. 119).

**In the Marine Corps there are 292 transfers to the grade of captain and below (list begins with Robert A. Ballard) (Reference No. 120).

**In the Marine Corps there are 632 appointments to the grade of second lieutenant (list begins with Charlton P. Adams) (Reference No. 121).

**In the Navy there are 131 appointments to the grade of captain and below (list

begins with John Brecka) (Reference No. 122).

**In the Navy there are 154 appointments to the grade of ensign (list begins with Ralph Albanese) (Reference No. 123).

In the Navy there are 2,317 appointments to the grade of ensign (list begins with Lawrence N. Abrams) (Reference No. 124).

Gen. William L. Kirk, USAF, to be placed on the retired list in the grade of general (Reference No. 125).

Lt. Gen. Michael J. Dugan, USAF, to be general (Reference No. 126).

Lt. Gen. Jimmie V. Adams, USAF, to be reassigned in the grade of lieutenant general (Reference No. 127).

In the Air Force Reserve there are 18 promotions to the grade of lieutenant colonel (list begins with Timothy E. Breuhl) (Reference No. 149).

In the Navy and Naval Reserve there are 43 appointments to the grade of commander and below (list begins with Cal D. Astrin) (Reference No. 150).

In the Navy there are 1,092 appointments to the grade of ensign (Naval Academy Midshipmen-list begins with Scott Gregory Abel) (Reference No. 151).

Lt. Gen. Andrew P. Chambers, USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 157).

Maj. Gen. John J. Yeosock, USA, to be lieutenant general (Reference No. 158).

Lt. Gen. John I. Hudson, USMC, to be Deputy Chief of Staff for manpower and Reserve Affairs (Reference No. 159).

In the Army there are 7 promotions to the grade of colonel and below (list begins with Frank E. Chapple II) (Reference No. 161).

Total: 10,462.

By Mr. PELL, from the Committee on Foreign Relations:

Robert Michael Kimmitt, of Virginia, to be Under Secretary of State for Political Affairs;

Margaret DeBardelben Tutwiler, of Alabama, to be an Assistant Secretary of State; and

Janet Gardner Mullins, of Kentucky, to be an Assistant Secretary of State;

Robert B. Zoellick, of the District of Columbia, to be Counselor of the Department of State; and

Thomas R. Pickering, of New Jersey, to be the Representative of the United States of America to the United Nations with the rank of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Thomas R. Pickering.

Post: Ambassador to the United Nations.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Timothy R. Pickering, none; Margaret S. Pickering, none.

4. Parents names: Hamilton R. Pickering (deceased, August 1987); Sarah C. Pickering, none.

5. Grandparents names: Deceased.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Marcia S. Hunt, Bruce Hunt, $25, October 1984, Mondale; $50, September 1988, Robt Mrazk, MC; $50, October 1988, DNC.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services, unfavorably, and with the recommendation that the nomination not be confirmed:

John Goodwin Tower, of Texas, to be Secretary of Defense (with minority, supplemental, and additional views) (Exec. Rept. No. 101-1).

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. RIEGLE (for himself and Mr. LEVIN):

S. 453. A bill to amend the National Apprenticeship Act to require minimum funding for certain outreach recruitment and training programs, to restore a national information collection system, to limit the authority to conduct reductions in force within the Bureau of Apprenticeship and Training of the Department of Labor, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 454. A bill to provide additional funding for the Appalachian development highway system; to the Committee on Environment and Public Works.

S. 455. A bill to extend the Appalachian Regional Development Act of 1965 and to provide authorizations for the Appalachian Highway and Appalachian Area Development Programs; to the Committee on Environment and Public Works.

By Mr. JOHNSTON (by request):

S. 456. A bill to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself, Mr. DURENBERGER, Mr. RIEGLE and Mr. BINGAMAN):

S. 457. A bill to provide for demonstration projects for the improvement of childcare, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DECONCINI (for himself, Mr. SIMON, Mr. ADAMS, Mr. BRADLEY, Mr. DASCHLE, Mr. HATFIELD, Mr. MATSUNAGA, Ms. MIKULSKI, Mr. WIRTH and Mr. KERRY):

S. 458. A bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans and Nicaraguans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans and Nicaraguans, and for other purposes; to the Committee on the Judiciary.

By Mr. GORE (for himself, Mr. HOLLINGS, Mr. KERRY, Mr. ROCKEFELLER, Mrs. KASSEBAUM, Mr. BENTSEN, and Mr. INOUYE):

S. 459. A bill to amend title 35, United States Code, and the National Aeronautics and Space Act of 1958, with respect to the use of inventions in outer space; to the Committee on the Judiciary.

By Mr. CONRAD:

S. 460. A bill to amend the Internal Revenue Code of 1986 to extend treatment of certain rents under section 2032A to all qualified heirs; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. MATSUNAGA):

S. 461. A bill to amend title XVIII of the Social Security Act to permit payment for services of physician assistants outside institutional settings; to the Committee on Finance.

By Mr. EXON (for himself, Mr. LAUTENBERG, Mr. SIMON, Mr. ADAMS, Mr. KERRY, Mr. DODD, Ms. MIKULSKI, Mr. KASTEN, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. CONRAD, Mr. BRADLEY, Mr. BIDEN, Mr. PELL, and Mr. SARBANES):

S. 462. A bill to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO:

S. 463. A bill to extend patent numbered 3,387,268, "Quotation Monitoring Unit", for a period of ten years; to the Committee on the Judiciary.

By Mr. SANFORD (for himself and Mr. BOND):

S. 464. A bill to promote safety and health in workplaces owned, operated or under contract with the United States by clarifying the United States' obligation to observe occupational safety and health standards and clarifying the United States' responsibility for harm caused by its negligence at any workplace owned by, operated by, or under contract with the United States; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 465. A bill to amend the National Trails System Act by designating the Juan Bautista de Anza National Historic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN (for himself and Mr. THURMOND):

S. 466. A bill to amend title 18 of the United States Code to prohibit the use of the mails to sell or solicit the sale of anabolic steriods; to the Committee on the Judiciary.

By Mr. SIMON (for himself and Mr. DIXON):

S. 467. A bill to provide for an accelerated implementation of an approved demonstration project for Federal Aviation Administration employees at certain facilities; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself and Mr. BRYAN):

S. 468. A bill to transfer real property to the City of North Las Vegas, Nevada; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Mr. BURDICK, Mr. ADAMS, Mr. BOREN, Mr. CONRAD, Mr. MOYNIHAN, Mr. SANFORD, Mr. DODD, Mr. LEVIN, and Mr. BRYAN):

S. 469. A bill to amend the enforcement provisions of the Federal Election Campaign Act of 1971; to the Committee on Rules and Administration.

By Mr. EXON:

S. 470. A bill to provide better bus transportation services for residents of rural areas, and for other purposes; to the Com-

mittee on Banking, Housing, and Urban Affairs.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 471. A bill to amend the Mineral Lands Leasing Act of 1920 to authorize the Secretary of the Interior to lease, in an expeditious and environmentally sound manner, the public lands within the Coastal Plain of the North Slope of Alaska for oil and gas exploration, development, and production; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN (for himself and Mr. SIMPSON):

S. 472. A bill to amend the Foreign Relations Authorization Act, fiscal years 1988 and 1989, to extend the period during which aliens may not be denied visas on certain grounds, and for other purposes; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

S. 473. A bill for the relief of Isamu Yasutomi; to the Committee on the Judiciary.

By Mr. GRAMM:

S. 474. A bill to amend the Immigration and Nationality Act to deny the adjudication of certain political asylum claims made in the United States; to the Committee on the Judiciary.

By Mr. SIMON:

S. 475. A bill to authorize a certificate of documentation for a vessel; to the Committee on Commerce, Science, and Transportation.

S. 476. A bill to increase the number of refugee admission numbers allocated for Eastern Europe/Soviet Union and East Asia; to the Committee on the Judiciary.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 477. A bill to require the use, in Federal formula grant programs, of adjusted census data, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DODD (for himself, Mr. PELL, Mr. HATCH, Mr. KENNEDY, Mr. MATSUNAGA, Mr. SIMON, Mr. COCHRAN, and Mr. CHAFEE):

S. 478. A bill to provide Federal assistance to the National Board for Professional Teaching Standards; to the Committee on Labor and Human Resources.

By Mr. HELMS:

S.J. Res. 66. A joint resolution to designate the third week of June of 1989 as "National Dairy Goat Awareness Week"; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself, Mr. ADAMS, Mr. BINGAMAN, Mr. BOND, Mr. BURNS, Mr. CHAFEE, Mr. COATS, Mr. COHEN, Mr. CONRAD, Mr. DOLE, Mr. DURENBERGER, Mr. FORD, Mr. GORE, Mr. HATFIELD, Mr. HOLLINGS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mr. LUGAR, Mr. METZENBAUM, Mr. PACKWOOD, Mr. ROBB, Mr. SASSER, Mr. SPECTER, and Mr. WILSON):

S.J. Res. 67. A joint resolution to commemorate the twenty-fifth anniversary of the Wilderness Act of 1964 which established the National Wilderness Preservation System; to the Committee on the Judiciary.

By Mr. BYRD (for himself, Mr. ADAMS, Mr. BENTSEN, Mr. BINGAMAN, Mr. BURDICK, Mr. CONRAD, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. EXON, Mr. FOWLER, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. KERREY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. MATSUNAGA, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. NUNN, Mr. PELL, Mr. PRYOR, Mr. REID, Mr. ROCKEFELLER, Mr. SANFORD, Mr. SARBANES, Mr. SHELBY, Mr. CRANSTON, Mr. GRAHAM, Mr. BOND, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. D'AMATO, Mr. DANFORTH, Mr. DOLE, Mr. DOMENICI, Mr. GRASSLEY, Mr. HEINZ, Mr. HELMS, Mrs. KASSEBAUM, Mr. LUGAR, Mr. MCCLURE, Mr. MURKOWSKI, Mr. STEVENS, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. WILSON, and Mr. ROTH):

S.J. Res. 68. A joint resolution to designate the month of May 1989, as "Trauma Awareness Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 71. A resolution to authorize a present and former employee of the Senate to testify in the case of United States v. Ladd Anthony; considered and agreed to.

By Mr. MOYNIHAN (for himself, Mr. MITCHELL, Mr. DOLE, Mr. PELL, Mr. HELMS, Mr. SANFORD, Mr. GORTON, Mr. GRHAM, Mr. SIMON, and Mr. D'AMATO):

S. Res. 72. A resolution condemning the threats against the author and publishers of "Satanic Verses"; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 453. A bill to amend the National Apprenticeship Act to require minimum funding for certain outreach recruitment and training programs, to restore a national information collection system, to limit the authority to conduct reductions in force within the Bureau of Apprenticeship and Training of the Department of Labor, and for other purposes; to the Committee on Labor and Human Resources.

APPRENTICESHIP IMPROVEMENT ACT

Mr. RIEGLE. Mr. President, I rise to introduce the Apprenticeship Improvement Act of 1989 to strengthen the ability of the Bureau of Apprenticeship and Training [BAT] to meet the demand for highly skilled and technically proficient workers for the remainder of this decade and beyond. I am happy to have my friend and colleague from Michigan, Senator LEVIN, as a cosponsor of this legislation.

A properly trained and skilled work force is vital to the effort to rebuild and maintain our country's stature in an increasingly competitive world economy. Since colonial times, apprenticeship training has effectively provided American workers with the skills needed for highly skilled occupations. Enhancing the availability of apprenticeship training offers a low cost way to maintain and expand the quality of our Nation's work force.

The Bureau of Apprenticeship and Training in Department of Labor is charged with the regulation and development of apprenticeship programs. Unfortunately, the staff of the Bureau has been decimated by budget cuts in recent years. During the 1980's, BAT has had its staff cut nearly in half. BAT offices in several major metropolitan areas have been closed and, as a result, several important services have been discontinued.

The apprenticeship system of training is a totally voluntary system with no financial incentives. The successes or failures of the system can be linked directly to the efforts of the individual BAT field staff to promote or sell apprenticeship to the private sector employers and labor unions. There are also linkages with other Federal, State, and local organizations, government officials, legislatures, school districts, community colleges, vocational education, veterans representatives, womens' organizations, minority organizations, and others interested in training and developing skilled workers. BAT staff generally are the only Federal Government representatives working at the State and local level for that purpose. In many cases there is only one BAT staff member to cover an entire State.

Ironically, the Department itself has indicated that the apprenticeship concept should be expanded, not reduced, as an instrument of labor policy. It has been conducting extensive research and soliciting public comment for over a year as part of its Apprenticeship 2000 initiative.

However, the BAT field staff currently are spread too thin to effectively carry out the missions and functions necessary for promoting and maintaining the apprenticeship system. The current staffing level is wholly inadequate to meet current needs, much less the expansion into new occupations contemplated by the Labor Department's Apprenticeship 2000 initiative. Any reassignment of existing staff to the expansion of the concept would doubtless result in a further deterioration of the traditional apprenticeship programs, which have served the construction and manufacturing industries so well.

Mr. President, I introduce the Apprenticeship Improvement Act of 1989 to reaffirm Congress' commitment to apprenticeship and training. The legislation would increase the staff of the Bureau to at least 377 full time employees. In addition, the bill would:

Limit the authority to conduct reductions in force within the Bureau of Apprenticeship and Training by disallowing such a reduction if it would reduce the number of civilian employees within the Bureau to fewer than 377 full time employees.

Require a set-aside of 1 percent of the funds for outreach, recruitment, and training programs to increase the participation of women, minorities, handicapped, displaced workers, and the disadvantaged.

Require the Secretary of Labor to submit to Congress within 6 months of enactment a detailed report concerning the Department's directive to determine whether apprenticeship programs comply with regulations governing equal opportunity. The report will include a detailed description of activities carried out by the Department to ensure such compliance, a list of compliance reviews undertaken, and a report describing any sanctions imposed as a result of compliance reviews.

Require the Secretary to establish and maintain a national information collection system for apprenticeships and apprenticeship programs.

Mr. President, the future of the American work force is much too important to allow a program such as this to continue to deteriorate. The increase in the number of BAT positions is moderate. The number would not reach the 1981 level of 459 full time positions, but would exceed the present level of 247 positions.

Further the bill would elevate the Bureau of Apprenticeship and Training to a more important place in the Department of Labor by putting it within the Office of the Secretary headed by an administrator reporting directly to him or her.

I urge my colleagues to support these necessary changes.

I also ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 453

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Apprenticeship Improvement Act of 1989".

SEC. 2. ESTABLISHMENT OF INFORMATION COLLECTION SYSTEM.

Section 2 of the Act of August 16, 1937, (50 Stat. 664; 29 U.S.C. 50), popularly known as the "National Apprenticeship Act", (hereinafter in this Act referred to as the "Act") is amended—

(1) by inserting "(a)" after "SEC. 2.", and

(2) by adding at the end thereof the following new subsection:

"(b) The Secretary shall establish and maintain a national information collection system for apprenticeships and apprenticeship programs.".

SEC. 3. OUTREACH PROGRAM.

The Act is further amended—

(1) by redesignating section 4 as section 5, and

(2) by inserting after section 3 the following new section:

"SEC. 4. The Secretary shall assure that from the amounts appropriated to carry out this Act in each fiscal year, not less than 1 percent of such amounts shall be available to establish outreach recruitment activities to increase the participation of women, minorities, handicapped individuals, displaced workers, and disadvantaged individuals in the apprenticeship programs authorized by this Act.".

SEC. 4. ESTABLISHMENT OF BUREAU OF APPRENTICESHIP AND TRAINING; APPOINTMENT OF EMPLOYEES.

(a) ESTABLISHMENT.—There is established in the Department of Labor, the Bureau of Apprenticeship and Training (hereinafter in this Act referred to as the "Bureau") which shall carry out the policies and functions of this act in behalf of the Secretary of Labor (hereinafter in this Act referred to as the "Secretary"). The Bureau shall be under the direction of an administrator to be known as the Administrator of the Bureau of Apprenticeship and Training. The Administrator shall report directly to the Secretary.

(b) TRANSFER OF FUNCTIONS.—Functions of the Assistant Secretary for Employment and Training Administration of the Department of Labor with respect to the promotion of labor standards of apprenticeship, including research, information, and publications are transferred to the Bureau. Functions related to apprenticeship, including appropriate administrative and program support services, together with personnel necessary to the administration of such functions, and unexpended balances of appropriations and other funds related thereto, are transferred to the Bureau.

(c) APPOINTMENT OF EMPLOYEES.—The Secretary is authorized to appoint such employees as may be necessary for the administration of this Act in accordance with laws applicable to the appointment and compensation of employees and advisors of the United States.

SEC. 5. INCREASE IN FORCE.

(a) IN GENERAL.—The Secretary shall increase the force within the Bureau to 377 full-time employees no later than January 1, 1990.

(b) CONSIDERATION OF EMPLOYEES WORKING LESS THAN FULL TIME.—In the administration of subsection (a)—

(1) a part-time employee shall be counted as a fraction, the numerator of which is the number corresponding to the average number of hours in such employee's regularly scheduled workweek and the denominator of which is 40; and

(2) an individual employed on a temporary or intermittent basis shall not be counted.

SEC. 6. LIMITATIONS ON REDUCTION IN FORCE.

(a) IN GENERAL.—A reduction in force may not be conducted within the Bureau if—

(1) the reduction in force would reduce the total number of civilian employees within such Bureau; and

(2) such total number, after the reduction in force, would be less than the equivalent of 377 full-time employees.

(b) CONSIDERATION OF EMPLOYEES WORKING LESS THAN FULL TIME.—In the administration of subsection (a)—

(1) a part-time employee shall be counted as a fraction, the numerator of which is the number corresponding to the average number of hours in such employee's regularly scheduled workweek and the denominator of which is 40; and

(2) an individual employed on a temporary or intermittent basis shall not be counted.

SEC. 7. REPORT.

(a) IN GENERAL.—The Secretary shall prepare and submit to the Congress, not later than 6 months after the date of enactment of this Act, a detailed report concerning whether the apprenticeship program conducted by the Department of Labor under the Act of August 16, 1937 (50 Stat. 664; 29 U.S.C. 50), complies with regulations governing equal opportunity.

(b) CONTENTS OF REPORT.—The report required by this section shall include—

(1) a detailed description of activities carried out by the Department of Labor to ensure compliance;

(2) a list of compliance reviews undertaken by the Department; and

(3) a description of any sanctions imposed as a result of the compliance reviews.

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 454. A bill to provide additional funding for the Appalachian development highway system; to the Committee on Environment and Public Works.

S. 455. A bill to extend the Appalachian Regional Development Act of 1965 and to provide authorizations for the Appalachian Highway and Appalachian Area Development Programs; to the Committee on Environment and Public Works.

CORRIDOR 2000 INITIATIVE AND REAUTHORIZATION OF APPALACHIAN REGIONAL COMMISSION

● Mr. ROCKEFELLER. Mr. President, today, along with the distinguished senior Senator from my State of West Virginia, I am very pleased to introduce two pieces of legislation that are vitally important to my State of West Virginia and the Appalachian region. The first piece of legislation that I am introducing today will provide for the completion of the Appalachian Corridor Highway system by the year 2000. This legislation is dependent on a second piece of legislation which reauthorizes the Appalachian Regional Commission for a period of 5 years, which I am also introducing today. A companion bill is being introduced in the House of Representatives today by Congressman NICK RAHALL. The bill is being cosponsored by the entire West Virginia delegation.

In 1965, the Federal Government made a commitment to Appalachia to provide the assistance necessary to bring the region into economic parity with the rest of the Nation. This commitment has not been upheld. The gap has been narrowed in some areas of Appalachia, but we are not at par with the rest of the Nation. We must continue to receive special consideration. The Appalachian Regional Commission has been and is still the instrument to accomplish this goal.

The Appalachian Regional Commission has been marked for termination by the administration since 1981. In 1981, the Governors of the Appalachian States, and I was one of them, asserted that the work of the ARC was not complete, but we agreed to a finish-up plan. This plan would have provided for an orderly completion of the ARC efforts already in progress.

This planned finish up was not possible because the money was not available. The Federal Government made a commitment to the region in 1965 and again in 1981, but neither of these commitments have been upheld.

As a result of appropriations by Congress the ARC has survived, but the effectiveness of the Commission to impact the lives of those living in some of the most distressed areas of the Nation has been severly diminished. This year the region, which includes portions of Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and all of West Virgina, received $107 million.

During the last quarter of a century progress has been made in fulfilling the objectives of the Appalachian Regional Commission. Jobs have been created, infant mortality has been halved, substandard housing has been reduced, but much remains to be done. Accordingly to a recent typology prepared by the Appalachian Regional Commission, there are 272 distressed counties in the Nation and of these, 82 are in Appalachia. Nearly one-quarter of Appalachia is distressed. This figure compares to 8 percent for the rest of the Nation. Other key indicators of economic and social welfare consistently lag behind the rest of the Nation.

The legislation that is being introduced to reauthorize the Appalachian Regional Commission will enable both the highway and the area development programs to continue for a period of 5 years. The highway program will be authorized at $144 million dollars per year and the area development program, which provides for black lung clinics, water, sewer, and many other basic human services, will be authorized at $41 million for an annual total of $185 million.

However, reauthorization of the ARC alone will not be enough to complete the 1,000 miles of the Appalachian corridor system that remain to be completed. My second piece of legislation, which is dependent on the reauthorization of the ARC, will require that we tap the highway trust fund surplus to supplement the ARC funding.

My plan calls for a $2 bonus from the trust fund surplus for every dollar that a State commits to the program from its annual Federal highway allocation. In addition, each Appalachian State would have to provide the required 20-percent match for Federal funds. The trust fund bonus would be limited to twice the amount of ARC funding that participating States receive. The program would be totally permissive and should a State choose not to participate, it would not impact their ARC funding.

When the Commission was established in 1965, a major goal was to connect Appalachia with the more prosperous and highly developed regions on either side of the mountains. This highway system would link isolated areas of Appalachia to national markets, a key component in the effort to make the industrial and commercial resources more competitive.

Between 1980 and 1986, 81 percent of the jobs in the region were in counties with completed interstates or corridors. This is a compelling argument for finishing these highways.

I admit that my proposal is ambitious, bold, and aggressive, but this is the attitude that we have to have if we are going to make progress. If we were to continue to fund the corridors at the current rate, they will not be completed until 2065. We cannot wait that long.

My proposal does not request an additional appropriation for the completion of these highways. I want to use funding that has already been collected for the purpose of highway construction.

When the current highway authorization ends in 1991, the bills will come in for 2 years. The gasoline tax is authorized until 1993 to cover these commitments. At the end of 1993, there will be a balance of $6 billion in the trust fund. I think that anyone would call this a surplus.

This balance of $6 billion assumes that the gasoline tax stops the day the commitments are paid. We know that is not going to happen. We will have another highway bill and a continuance of the gasoline tax. However, the next highway bill will not have to dedicate $3.15 billion per year to the Interstate System so those funds will be available for other projects in fiscal year 1994.

States will have to make some tough choices if they are to complete their corridors under this plan by the year 2000. They will have to make sacrifices. By giving up a portion of their annual Federal highway allocation to corridor construction and providing a 20-percent match from State funds, many other pressing highway needs will not be met. In my State of West Virginia, Governor Caperton has increased the gasoline tax and dedicated half of the proceeds to corridor construction.

These roads "halfway to nowhere" are ludicrous. We must complete them. It is certainly the key to economic development of the region. It is, in many cases, our last hope.

In West Virginia, 144 miles of a 410-mile system remain to be completed. There are four corridors which will require construction or substantial upgrading, D, G, H, and L. The largest of these is H which would connect the eastern portion of my State to the Washington-Baltimore area. This area of the State has some of the premier tourist spots, but the accessibility is limited. If we were to open this area of the State, it would provide access to an enormous tourism market creating jobs for West Virginians.

The programs of ARC are a partnership between the Federal, State and local governments. The Federal Government must not be allowed to walk away from its commitment to that partnership—and investment—because of a lack of funding. It is in part due to that partnership that life is better and opportunities are greater for the men, women, and children who live in the 397 counties of the 13 States of Appalachia. But the hopes and dreams of those people, especially the young ones, should not be left unrealized.

I feel that we have a compelling case for reauthorizing the Appalachian Regional Commission and completing the Appalachian corridor system by the year 2000. In the bipartisan footsteps of Jennings Randolph and John Sherman Cooper, let us fulfill our commitment to Appalachia.

Mr. President, I ask unanimous consent that the bills be printed in the RECORD.

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

S. 454

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

SECTION 1. Subsection (g) of section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 201) is amended to read as follows:

"(g)(1) There are authorized to be appropriated—

"(A) $144,000,000 to carry out the provisions of this section other than paragraph (2) for fiscal year 1990, and

"(B) such sums as may be necessary to carry out such provisions for each of the fiscal years 1991, 1992, 1993, and 1994.

Any amounts appropriated under the authority of this paragraph shall remain available without fiscal year limitation until expended.

"(2)(A) There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account)—

"(i) $287,000,000 for fiscal year 1990, and

"(ii) such sums as may be necessary for each of the fiscal years 1991, 1992, 1993, and 1994.

to carry out the provisions of this section.

"(B) The Commission shall allocate the funds appropriated under the authority of subparagraph (A) among the States within the Appalachian region in a manner that ensures that the total amount allocated to each State for each fiscal year does not exceed the lesser of—

"(i) an amount equal to twice the amount of funds appropriated under the authority of paragraph (1) that are allocated to that State for such fiscal year, or

"(ii) an amount equal to twice the amount of Federal funds provided under any provision of law other than this section that are to be expended by that State during such fiscal year for highways on the Appalachian

development highway system and local access roads serving the Appalachian region.

"(C) Funds appropriated under the authority of subparagraph (A) shall not be subject to, or taken into account under, any limitation imposed by any provision of law on obligations for Federal-aid highways, unless such law specifically cites this subparagraph.

"(D) Funds appropriated under the authority of this paragraph shall remain available without fiscal year limitation until expended.".

SEC. 2. Subsection (a) of section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 201(a)) is amended—

(1) by striking out "118" and inserting in lieu thereof "118(a)", and

(2) by striking out ", period of availability,".

S. 455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Appalachian Regional Development Act Amendments of 1989".

SEC. 2. Section 2(a) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 105) is amended by striking out the period at the end of the sixth sentence and inserting in lieu thereof the following: "and in severely distressed and underdeveloped counties or areas lacking resources for basic services.".

SEC. 3. Subsection (b) of section 105 of the Appalachian Regional Development Act of 1965 is amended to read as follows:

"(b) There are authorized to be appropriated to the Commission to carry out the provisions of this section $3,500,000 for each of the fiscal years 1990, 1991, 1992, 1993, and 1994. Not more than $1,000,000 of the amounts appropriated pursuant to the preceding sentence for each fiscal year shall be available for expenses of the Federal cochairman, alternate, and the Federal staff.".

SEC. 4. Section 106(7) of the Appalachian Regional Development Act of 1965 is amended by striking out "1982" and inserting in lieu thereof "1994".

SEC. 5. (a) Subsection (g) of section 201 of the Appalachian Regional Development Act of 1965 is amended to read as follows:

"(g) There are authorized to be appropriated to carry out the provisions of this section $144,000,000 for each of the fiscal years 1990), 1991, 1992, 1993, and 1994.".

(b)(1) Section 201(h)(1) of the Appalachian Regional Development Act of 1965 is amended by striking out "70 per centum" and inserting in lieu thereof "80 percent".

(2) The amendment made by paragraph (1) shall apply with respect to projects approved after March 31, 1979.

SEC. 6. Section 214(c) of the Appalachian Regional Development Act of 1965 is amended—

(1) by striking out "December 31, 1980" in the first sentence and inserting in lieu thereof "September 30, 1994", and

(2) by inserting "authorized by title 23, United States Code" after "road construction" in the second sentence.

SEC. 7. Section 224(a)(1) of the Appalachian Regional Development Act of 1965 is amended by striking out the semicolon at the end thereof and inserting in lieu thereof the following "or in a severely distressed and underdeveloped county or area lacking resources for basic services;".

SEC. 8. Section 401 of the Appalachian Regional Development Act of 1965 is amended to read as follows:

"SEC. 401. In addition to the appropriations authorized in section 105 for administrative expenses, and in section 201(g) for the Appalachian development highway system and local access roads, there are authorized to be appropriated, to remain available until expended, to carry out this Act, $37,500,000 for each of the fiscal years 1990, 1991, 1992, 1993, and 1994.".

SEC. 9. Section 405 of the Appalachian Regional Development Act of 1965 is amended by striking out "1982" and inserting in lieu thereof "1994".●

By Mr. JOHNSTON (by request):

S. 456. A bill to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System; to the Committee on Energy and Natural Resources.

DESIGNATION OF COMPONENTS OF THE NATIONAL TRAILS SYSTEM

● Mr. JOHNSTON. Mr. President, I am introducing today, by request, legislation to establish the California and Pony Express National Historic Trails. Public Law 98-405, approved August 28, 1984, provided for the study of the California and Pony Express Trail routes to determine if these routes should be designated as components of the National Trail System. The legislation I am introducing today, at the request of the administration, would include these trails in the National Trail System as national historic trails.

I ask unanimous consent that the draft bill, the letter of transmittal, and the section-by-section analysis prepared by the administration appear in the RECORD at this point.

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

S. 456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding the following new paragraphs at the end thereof:

"( ) The California National Historic Trail, a route of approximately 5,700 miles, including all routes and cutoffs, extending from Independence and St. Joseph, Missouri, and Council Bluffs, Iowa, to various points in California and Oregon, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) of this section entitled 'California and Pony Express Trails, Eligibility/Feasibility Study/Environmental Assessment and dated September 1987. A map generally depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Notwithstanding any other provision of this Act, no lands or interests in lands may be acquired for purposes of the trail designated under this paragraph without the consent of the owner thereof. The trail shall be administered by the Secretary of the Interior.

"( ) The Pony Express National Historic Trail, a route of approximately 1,900 miles, including the original route and subsequent route changes, extending from St. Joseph, Missouri, to Sacramento, California, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) of this section entitled 'California and Pony Express Trails, Eligibility/Feasibility Study/Environmental Assessment' and dated September 1987. A map generally depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Notwithstanding any other provision of this Act, no lands or interests in lands may be acquired for purposes of the trail designated under this paragraph without the consent of the owner thereof. The trail shall be administered by the Secretary of the Interior.

SEC. 2. Section 10(c)(2) of the National Trails System Act (16 U.S.C. 1249(c)(2)) is amended by adding "and ( ) and ( )" after "(16)".

THE SECRETARY OF THE INTERIOR,
Washington, DC, January 30, 1989.

Hon. J. DANFORTH QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Pursuant to provisions of the National Trails System Act, Public Law 90-543, as amended (82 Stat. 919; 16 U.S.C. 1241), I am herewith submitting the study report on the California and Pony Express Trails in California, Colorado, Idaho, Iowa, Kansas, Missouri, Nebraska, Nevada, Oregon, Utah and Wyoming. Public Law 98-405, approved August 28, 1984, in amending the National Trails System Act, authorized study of the California and Pony Express Trail routes to determine if it would be feasible and desirable to designate them as components of the National Trails System. Conduct and completion of the studies and preparation of the study report were led by the National Park Service with the cooperation of the affected States, other Federal agencies, local governments, and the public.

Under provisions of section 5(b)(3) of the National Trails System Act, the National Park System Advisory Board is required to make recommendations as to the national historic significance of proposed national historic trails based on criteria developed under the Historic Sites Act of 1935 (49 Stat. 666; 16 U.S.C. 461). Pursuant to the August 11, 1987, letter of the Chairman of the Board, the board found that the California and Pony Express Trails are of national significance and are eligible for addition to the National Trails System as national historic trails.

Accordingly, I am submitting the study report as provided for in section 5(b) of the National Trails System Act for printing as a House or Senate document with the recommendation that the proposed California and Pony Express Trails are suitable for designation by the Congress as national historic trails. Enclosed is a draft of a bill which, if enacted, would designate the trails. A section-by-section analysis is also enclosed. We recommend that the bill be referred to the appropriate committee for consideration, and we recommend its enactment.

The Office of Management and Budget has advised that there is no objection to the enactment of the proposed legislation from

the standpoint of the Administration's program.

Sincerely,

EARL GJELDE,
Acting Secretary.

Enclosures.

SECTION-BY-SECTION ANALYSIS

Section 1. Amends section 5(a) of the National Trails System Act to designate two new national historic trails by adding two new unnumbered paragraphs which designate the 5,700-mile California National Historic Trail and the 1,900-mile Pony Express National Historic Trail, respectively, as components of the National Trails System. Trail routes are as generally described in the study report prepared by the Secretary of the Interior on the California and Pony Express Trails dated September 1987. Both trails are to be administered by the Secretary of the Interior. Section 5(d) of the National Trails System Act requires the Secretary to establish an advisory council for each trail within one year of its addition to the system and section 5(f) requires the Secretary to submit a comprehensive plan for management and use of each trail to the legislative Committees of Congress within two complete fiscal years of enactment of legislation designating the trail.

Section 2. Amends section 10(c)(2) of the Act. That section authorizes appropriations to implement provisions of the Act with respect to the trails designated in paragraphs (9) through (13), and the trails designated in paragraphs (15) and (16), of section 5(a) as components of the National System.

Public Law 99-445, approved October 6, 1986, designated the Nez Perce National Historic Trail as paragraph (14), but it did not authorize appropriations without monetary limitation by amending section 10(c) to change the reference from paragraphs (9) through (13) to paragraph (9) through (14). Instead, Public Law 99-445 enacted a free-standing provision authorizing the appropriation of $550,000 to carry out the Nez Perce Trail designation.

Public Law 100-35, approved May 8, 1987, designated the Santa Fe National Historic Trail as paragraph (15), and amended section 10(c) of the Act to authorize appropriations for the trail designated by paragraph (15). Public Law 100-192, approved December 16, 1987, added the Trail of Tears as paragraph (16).

The amendment in section 2 adds a reference to the unnumbered paragraphs designating the California and Pony Express National Historic Trails in this bill, thereby authorizing appropriations for these two trails without monetary limitation.●

By Mr. DODD (for himself, Mr. DURENBERGER, Mr. RIEGLE, and Mr. BINGAMAN):

S. 457. A bill to provide for demonstration projects for the improvement of childcare, and for other purposes; to the Committee on Labor and Human Resources.

NEW SCHOOL CHILDCARE DEMONSTRATION PROJECTS ACT

● Mr. DODD. Mr. President, today I am introducing legislation to encourage the development of a quality child care system within the Nation's public schools. I am pleased to have my distinguished colleagues from Minnesota, Senator DURENBERGER, from Michigan, Senator RIEGLE, and from New Mexico, Senator BINGAMAN, join me as sponsors of the "New School Child Care Demonstration Projects Act of 1989."

I believe that all of my colleagues recognize that American families need help balancing their family and workplace responsibilities and that the Federal Government has a strategic role to play. We are no longer debating whether or not child care legislation is necessary but rather what form that legislation should take.

Any legislation that we pass must improve the quality of child care, as well as its availability and affordability. Last month, as I conducted a hearing on the Act for Better Child Care, S. 5, I heard once again about the problems that working parents face in trying to find affordable and good quality child care. Three parents told tragic stories that are the worst nightmare of any family: of one child severely injured and two others dead as a result of abuse by their child care providers. These are extreme and, thankfully, rare cases. However, far too many parents are unable to find child care where they can leave their children without serious concern for their safety.

In order to prevent the tragedies experienced by those families and to address the skyrocketing demand for quality, affordable child care, last month I introduced S. 5, the Act for Better Child Services. That legislation would authorize significant Federal support for a wide range of child care services, from training for workers, to loans for providers, to child care subsidies for some 1 million children from low-income, working families.

The legislation I am introducing today complements S. 5 through the creation of model programs to point the way toward the good quality child care that our Nation's families deserve. The New School Child Care Demonstration Act of 1989 would establish a model child care system within the public schools. Each demonstration project would include: first, onsite child care for children from the ages of 3 to at least 12; second, a family support system for parents of newborn infants, including a home visitation program; third, support for local family day care providers, including training, technical assistance, and backup support in case of illness; and fourth, information and referral and other specialized services. All such services for children would be provided on a sliding fee cable, based upon the parents' ability to pay.

This bill authorizes $120 million, allowing each State to carry out one or more new school demonstration projects. Grants would also be available for demonstration projects focusing on special problems, including inner city and rural schools in poverty areas and schools serving a high proportion of single parent families and the young children of adolescent parents.

Under the New School Demonstration Projects Act of 1989, schools would be able to contract with nonprofit, community-based organizations to provide child care services. Likewise, every State would have an advisory committee, with members representing community-based child care organizations; parents' groups; teachers' groups; organizations serving as advocates on behalf of minority and handicapped children; State and local agencies providing education, social, health, and income maintenance services to children and families; individuals with expertise in early childhood development; and those representing private employers.

In addition to meeting State and local regulatory standards, each demonstration project must develop ways to improve the quality of child care services provided. One way to assure quality services is to improve the skills, performance, and salaries of child care workers. Therefore, the project administrators and staff must be trained in early childhood development. Likewise, salaries for workers should not be less than those paid for comparable services provided in the schools or surrounding community, whichever is higher. And last but not least, each project must provide for ongoing parental involvement throughout the process of planning, implementation, monitoring, and evaluation.

In closing, Mr. President, this legislation was inspired by the work of Dr. Edward Zigler, who I am proud to say is a constituent in my State of Connecticut. The director of the Bush Center in child development and social policy at Yale University, Dr. Zigler has been working on the issue of child care for some 30 years. He sees the prospect of putting child care services in the public schools as a means of building a family support and child care system within communities that is high quality, affordable, and universally accessible.

I urge my colleagues to join us in sponsoring the New School Child Care Demonstration Projects Act of 1989. I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 457

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "New School Childcare Demonstration Projects Act of 1989".

(b) TABLE OF CONTENTS—

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purpose.

Sec. 3. Definitions.
Sec. 4. State demonstration grants authorization.
Sec. 5. Allotments.
Sec. 6. Evaluation.
Sec. 7. Application.
Sec. 8. Secretarial demonstration projects.
Sec. 9. Payments.
Sec. 10. Authorization of appropriations.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) dramatic changes in the demographics of the American workforce over the past two decades have had a profound effect on children and families;

(2) women and men are in the workforce out of economic necessity such that two out of every three women working outside of the home now provide the sole support or critical economic support for their families;

(3) twenty-six million children, close to half of all American children, have either a mother or both mother and father in the workforce and such numbers are expected to increase;

(4) Federal, State, and local policies have not kept pace with these changing demographics and the accompanying demand for quality, affordable childcare;

(5) there is a critical shortage of quality childcare arrangements for the children of working parents, from infancy through adolescence;

(6) even by conservative estimates, some two million elementary school age children lack adult supervision after school;

(7) quality after school care for the school age children of working parents has been shown to reduce the risk of delinquency, teenage pregnancy, injury, abuse, and poor school performance;

(8) research has also demonstrated that the most important variable in determining the effect of childcare on preschoolers is the quality of that care;

(9) a quality childcare system must address:

(A) the inability of some parents to pay for such services;

(B) the lack of training opportunities and low wages accorded childcare workers and their corresponding high rate of turnover;

(C) the often inadequate childcare standards and enforcement policies among the States; and

(D) the need for a strong partnership between childcare providers and parents; and

(10) building a quality childcare system within the public school system can help optimize the development of every American child and thus promote the future development and security of this Nation.

(b) PURPOSE.—It is the purpose of this Act to—

(1) provide financial assistance to States for the establishment of childcare demonstration projects within existing public elementary and secondary school buildings, that include the provision of—

(A) on-site childcare for children ages 3 to 12;

(B) a family support system for parents of newborn infants;

(C) support for local family daycare providers; and

(D) information and referral and other specialized services; and

(2) demonstrate the effectiveness of such demonstration projects in promoting community resources that provide high quality, affordable, and universally accessible family support and childcare services.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ELEMENTARY SCHOOL.—The term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(2) SECONDARY SCHOOL.—The term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(3) FAMILY SUPPORT SERVICES.—The term "family support services" means services that assist parents by providing support in parenting and by linking parents with community resources and with other parents.

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(5) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 4. STATE DEMONSTRATION GRANTS AUTHORIZATION.

The Secretary is authorized, in accordance with the provisions of this Act, to make grants to States to pay the Federal share of the cost of childcare demonstration projects conducted in existing public elementary and secondary school buildings.

SEC. 5. ALLOTMENTS.

(a) RESERVATION.—Of the amounts available for each of the fiscal years 1989 through 1991 under section 10, the Secretary shall—

(1) reserve 5 percent in each fiscal year to carry out section 6; and

(2) reserve $5,000,000 in each fiscal year to carry out section 8.

(b) STATE ALLOTMENT.—From the remainder of the sums appropriated under section 10 for grants to States for each fiscal year, the Secretary shall allot to each State, an amount which bears the same ratio to such remainder as the number of individuals in such State who have not attained 16 years of age bears to the total number of such children in all States, except that—

(1) each State shall be allotted not less than one-half of one percent of the amounts available for grants under section 9 for the fiscal year for which the allotment is made, or $500,000, whichever is the greater; and

(2) Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall each be allotted not less than one-eighth of 1 percent of the amounts available for grants under section 4 for the fiscal year for which the allotment is made.

(c) DEFINITION.—For the purpose of the exception contained in subsection (b)(1), the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(d) RECENT DATA REQUIRED.—For the purpose of this section, the Secretary shall use the most recent data available.

(e) ADJUSTMENTS.—

(1) RATABLE REDUCTIONS.—If the sums appropriated under section 10 for any fiscal year for grants to States authorized under section 4 are not sufficient to pay in full the total amounts which all States are entitled to receive under such section for such fiscal year, then the minimum amounts which all States are entitled to receive under such section for such fiscal year shall be ratably reduced.

(2) INCREASES.—In the event that additional funds become available for making such grants for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

(f) REALLOTMENTS.—

(1) IN GENERAL.—If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 10, the amount allotted to a State has not been made available to such State in grants under section 4 because of the failure of such State to meet the requirements for a grant, then the Secretary shall reallot such amounts to States which meet such requirements.

(2) AVAILABILITY FOR EXPENDITURE.—Funds made available by the Secretary through reallotment under paragraph (1) shall remain available for expenditure until the end of the fiscal year following the fiscal year in which such funds become available for reallotment.

SEC. 6. EVALUATION.

(a) IN GENERAL.—

(1) GENERAL AUTHORITY.—From the amount reserved in each fiscal year under section 5(a)(1), the Secretary shall carry out the evaluation of the State and Federal demonstration projects.

(2) ADMINISTRATIVE AUTHORITY.—The Secretary shall provide, through grants or contracts, for the continuing evaluation of the demonstration projects, including evaluations that measure and evaluate the impact of the projects, in order to determine—

(A) the effectiveness of such projects in achieving stated goals; and

(B) the impact of such projects on related programs including the impact on salaries paid to childcare workers in the community served, and the structure and mechanisms for delivery of childcare services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs.

Evaluations shall be conducted by persons not directly involved in the administration of the project operation.

(b) RULES FOR CONDUCTING EVALUATIONS.—

(1) INSTITUTIONS OF HIGHER EDUCATION INVOLVEMENT.—In carrying out evaluations under this section, the Secretary shall establish working relationships with the faculties of institutions of higher education located in the area in which any such evaluation is being conducted, unless there is no such institution willing and able to participate in the evaluation. For purposes of the preceding sentence, for any single evaluation area in which such working relationships are established may not be larger than 3 contiguous States.

(2) SPECIFIC VIEWS.—In carrying out evaluations under this section, the Secretary shall, whenever feasible, arrange to obtain the specific views of individuals participating in and served by programs and projects assisted under this Act about such programs and projects.

(3) PROPERTY OWNERSHIP.—The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with assistance under this section shall become the property of the United States.

(c) RESULTS OF EVALUATIONS.—The Secretary shall publish the result of evaluative research and summaries of evaluations of program and project impact and effectiveness not later than 90 days after the completion thereof. The Secretary shall submit

to the appropriate committees of the Congress copies of all such research studies and evaluation summaries.

SEC. 7. APPLICATION.

(a) IN GENERAL.—No demonstration grant may be made under this section unless the chief executive officer of the State seeking such grant submits an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

(b) REQUIREMENTS.—An application submitted under subsection (a) shall—

(1) specify the appropriate State agency or interagency council to be designated as the lead agency responsible for the administration of programs and activities relating to childcare programs carried out by the State under this Act and for coordination of related programs within the State;

(2) provide for an Advisory Committee which meets the requirements of subsection (c), to be appointed by the Chief Executive of the State to advise and consult in the preparation of the application, monitoring, and evaluation of demonstration projects assisted under this Act;

(3) provide comprehensive plans for one or more childcare demonstration projects within existing public school buildings that—

(A) ensure that year round, on-site, all day childcare for children ages 3 to 5 (or of the age of entering kindergarten) and on-site before and after school childcare for children ages 5 through 12, inclusive;

(B) ensure the establishment of a family support system for parents (including a home visitation program);

(C) provide support for local family daycare providers (including technical assistance, back-up support in case of illness, and training);

(D) provide for information and referral and other specialized services;

(E) develop a sliding scale fee payment system for children using the system (based on the parents ability to pay);

(F) provide for ongoing parental involvement in the planning, implementation, monitoring, and evaluation of such projects;

(G) provide that such demonstration projects be operated by administrators trained in early childhood development;

(H) provide for the use of trained childcare workers in such demonstration projects, with a priority given to childcare workers with credentials in early childhood education or child development, including the child development associate credential;

(I) provide that salaries paid to childcare workers in such demonstration projects shall—

(i) be not less than the rates paid for comparable services provided in the school or surrounding community, whichever is higher; and

(ii) be comparable to salaries paid to school employees with equivalent responsibilities, experience and credentials; and

that salary schedules for childcare workers encourage childcare workers to obtain early childhood credentials;

(J) assure that any childcare services provided by such demonstration projects meet, at a minimum, regulatory standards set by the State and local government;

(K) develop ways to improve the quality of childcare services in such demonstrations; and

(L) describe plans for monitoring and evaluating the effectiveness of such demonstration projects;

(4) ensure that funds provided under this Act, shall be distributed by the State in demonstration grants to local public agencies and nonprofit private organizations for programs and projects within such State;

(5) provide assurances, in furnishing childcare services in a public school building, that the State has or will enter into an agreement with the appropriate State or local educational agency, for—

(A) the use of facilities for the provision of before or after school childcare services (including such use during holidays and vacation periods),

(B) the restrictions, if any, on the use of the space, and

(C) the times when the space will be available for the use of the applicant;

(6) provide that the State shall not use more than 5 percent of the funds provided in any fiscal year for administrative costs;

(7) provide assurances that the State will pay the non-Federal share of the activities for which assistance is sought from non-Federal sources;

(8) assure an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State;

(9) provide for replication; and

(10) meet such other requirements as the Secretary reasonably determines are necessary to carry out the purposes and provisions of this Act.

(c) ADVISORY COMMITTEE RULES.—

(1) REPRESENTATION REQUIRED.—The Advisory Committee shall include, at a minimum—

(A) individuals representing community-based childcare organizations;

(B) individuals having expertise in early childhood development;

(C) individuals representing parents' groups and organizations;

(D) individuals representing teachers' groups and organizations;

(E) individuals representing State and local agencies which provide education, social, health, and income maintenance services for children and their families;

(F) individuals representing groups or organizations which advocate on behalf of children, minorities, and the handicapped; and

(G) individuals representing private employers who provide childcare services for their employees.

(2) SAVINGS PROVISION.—Any Advisory Committee in a State in existence on the date of enactment of this Act which the Secretary determines substantially meets the requirements of paragraph (1) shall constitute compliance with this section.

(d) APPROVAL.—The Secretary shall approve any application that meets the requirements of subsection (b), and the Secretary shall not disapprove any such application except after reasonable notice of the intention of the Secretary to disapprove of such, and after opportunity for correction of any deficiency.

SEC. 8. SECRETARIAL DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The amounts reserved under section 5(a) shall be used for the provision of grants to public and nonprofit private entities for special demonstration projects to be awarded at the discretion of the Secretary.

(b) FOCUS OF PROJECTS.—The Secretary shall make grants under subsection (a) that take into consideration special problem areas such as—

(1) handicapped children;

(2) inner city schools in poverty areas;

(3) rural schools in poverty areas;

(4) schools with a high mix of children of many different ethnic backgrounds and native languages;

(5) schools with a high proportion of homeless children;

(6) schools serving the young children of adolescent parents and single-parent families; and

(7) schools where a high proportion of students are at risk of dropping out before completing junior high school.

SEC. 9. PAYMENTS.

(a) IN GENERAL.—The Secretary shall pay to each eligible State having an application approved under section 7 the Federal share of the cost of the activities described in the application.

(b) FEDERAL SHARE.—The Federal share for each fiscal year shall be 90 percent.

(c) NON-FEDERAL PAYMENTS.—The non-Federal share of payments under this Act may be in cash or in kind fairly evaluated, including planned equipment or services.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

To carry out the provisions of this Act, there are authorized to be appropriated $120,000,000 for the fiscal year 1989, and such sums as may be necessary for each of the fiscal years 1990 and 1991.●

By Mr. DECONCINI (for himself, Mr. SIMON, Mr. ADAMS, Mr. BRADLEY, Mr. DASCHLE, Mr. HATFIELD, Mr. MATSUNAGA, Ms. MIKULSKI, Mr. WIRTH, and Mr. KERRY):

S. 458. A bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans and Nicaraguans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans and Nicaraguans, and for other purposes; to the Committee on the Judiciary.

REPORT ON CONDITIONS OF DISPLACED SALVADORANS AND NICARAGUANS

● Mr. DECONCINI. Mr. President, today I reintroduce legislation to suspend for 2 years the deportation of Salvadoran and Nicaraguan nationals from the United States. This legislation, popularly known as DeConcini-Moakley, will ensure that those seeking refuge in America are given a fair hearing instead of being turned away from America to face an unknown fate.

Recent events in El Salvador underscore the importance of thoroughly examining our deportation policy before we return displaced persons to that war-torn country. The upcoming election in El Salvador has caused an escalation of the violence and killing that have long plagued that country. President Duarte's terminal cancer has weakened his Christian Democratic Party. The conservative party, ARENA, has stepped into the vacuum and experts believe it has a good chance of winning this year's Presidential election. In addition, the FMLN's activities, both political and

terrorist, have increased dramatically recently.

Many of the 70,000 casualties in El Salvador's civil war were civilians killed by the army or by right-wing death squads. Although often the perpetrators of these crimes are known, they are never brought to justice. We must temporarily postpone the deportation of Salvadorans to insure that they do not become victims of the random or directed violence that has once again become a daily hazard in El Salvador.

I urge the Bush administration to eliminate the need for legislation by granting the Salvadorans extended voluntary departure [EVD] status. The President has the power to grant EVD status without legislation. Currently, nationals from Afghanistan and Ethiopia enjoy EVD status. If we ignore our Central American neighbors in their time of need, it will further weaken our leadership role on this continent.

Unfortunately, the Bush administration has shown the same insensitivity toward these displaced persons from El Salvador as the previous administration. In fact, the administration has further restricted the rights of Central Americans with its new policy of detaining asylum applicants until their asylum claims are heard. Thus it appears that Congress will have to act to change the misguided deportation of Central Americans.

Over the last 8 years I have actively pressed for legislation that would protect the safety of displaced persons from El Salvador. I visited El Salvador several times and spoke with the leaders of that country. I remain in contact with El Salvador's Ambassador to the United States. I have visited with Alfredo Cristiani, the ARENA candidate for President. While he has renounced the death squad activity that was formerly associated with ARENA, we cannot be certain that there remains no connection. I remain firmly convinced that if the nationals are returned it will be at great risk to their safety, and it would have a disastrous effect on El Salvador's economy. Last September, President Duarte wrote a letter to Congress asking it to support DeConcini-Moakley. In that letter President Durate said that granting "temporary safe haven" to the Salvadorans was "the single most important initiative the United States can take to help my nation achieve peace."

The DeConcini-Moakley bill does not drastically alter immigration policy. Instead, it is a temporary offer of safe haven for those who have fled these two war-torn countries. It outlines what the GAO must investigate, and sets a definite timeframe for resolution of the covered individual's status. Because the bill provides only a temporary stay of deportation proceedings, it does not make any individual a permanent resident alien. The GAO has 1 year to complete its study and report its findings to Congress. The report is then referred to the appropriate congressional committee for hearings. Within 9 months the committee must report to the respective House its findings and any appropriate legislation.

The GAO study will cover three broad areas: displaced Salvadorans and Nicaraguans in Central America, treatment of those who are returned to El Salvador and Nicaragua, and the status of Salvadorans and Nicaraguans living in America. The study will focus on the safety problems these people face and the role the United States can play in resolving their problems.

A final important feature of this legislation is that it has a cut-off date for covered persons. Individuals are only eligible for a temporary stay of their deportation proceedings if they arrived in the United States before January 1, 1989. This provision ensures that the bill will not cause a drastic increase in the influx of Salvadorans and Nicaraguans.

Representative MOAKLEY has introduced similar legislation, H.R. 45, in the House of Representatives this term. I am confident his bill will pass the House, as it did last term by a margin of 237 to 181. DeConcini-Moakley passed the Senate Judiciary Committee by a 9 to 3 margin last term, so I anticipate that it will receive favorable action by that committee and soon be brought to the floor of the Senate for a vote.

With the resurgence of the violence and death in El Salvador, this legislation takes on greater urgency. A delay in its passage can be counted not only in days lost, but in lives lost. The new INS policy of detaining Central American asylum applicants until their asylum claims are processed suggests a departure from the favorable treatment that Nicaraguans received at the end of the Reagan administration. Therefore, Congress must act to halt the deportation of these threatened and vulnerable people from the United States.

Passage of DeConcini-Moakley will give the United States time to assess the security of these displaced persons and make a judgment based on all of the facts. Surely this is better than hasty judgments and wasted lives.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 458

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

TITLE I—GENERAL ACCOUNTING OFFICE INVESTIGATION AND REPORT INVESTIGATION

SEC. 101. (a) REQUIRING GAO INVESTIGATION ON DISPLACED SALVADORANS AND NICARAGUANS.—Within sixty days after the date of the enactment of this Act, the Comptroller General of the United States shall begin an investigation concerning displaced nationals of El Salvador and Nicaragua.

(b) DETERMINATIONS ON DISPLACED SALVADORANS AND NICARAGUANS IN CENTRAL AMERICA.—The investigation shall determine the following with respect to displaced Salvadorans and displaced Nicaraguans who are present in either El Salvador, Honduras, Guatemala, Mexico, or Nicaragua, regardless of whether or not they are registered:

(1) The number of these displaced persons and their current locations.

(2) Their place of origin in El Salvador or Nicaragua (as the case may be) and the period of, and reason for, their displacement.

(3) Their current living conditions, with particular attention to (A) their personal safety and the personal safety of those providing assistance to them, and (B) the availability of food and medical assistance.

(c) DETERMINATIONS ON CONDITIONS IN EL SALVADOR THAT COULD AFFECT SALVADORANS WHO HAVE RETURNED FROM THE UNITED STATES.—The investigation shall—

(1) assess the general conditions and circumstances in El Salvador that may affect returned nationals, with particular attention to determining the reliability and use of (A) reports of any violations of fundamental human rights, and (B) reports concerning the status of Salvadorans who have returned from the United States; and

(2) make recommendations for improvements in the type of information provided by such reports.

(d) DETERMINATIONS ON SALVADORANS SEEKING REFUGE IN OTHER COUNTRIES.—The investigation shall describe the policies of all other countries in which Salvadorans have sought refuge as these policies concern the return of the Salvadorans to El Salvador.

REPORT

SEC. 102. The Comptroller General of the United States shall submit to the Speaker of the House of Representatives and the President of the Senate, not later than one year after the date of the initiation of the study under section 101, a report on that study, including detailed findings on the items described in subsections (b), (c), and (d) of that section.

TITLE II—CONGRESSIONAL REVIEW REFERRAL OF REPORT, COMMITTEE HEARINGS, AND COMMITTEE REPORT

SEC. 201. (a) REFERRAL.—The report, when submitted under section 102, shall be referred, in accordance with the rules of each House, to the standing committee or committees of each House of Congress having jurisdiction over the subjects of the report, and the report shall be printed as a document of the House of Representatives.

(b) COMMITTEE HEARINGS.—Not later than 90 days of continuous session of Congress after the date of the referral of the report to a committee, the committee shall initiate hearings, insofar as such committee has legislative or oversight jurisdiction, to consider—

(1) the findings of the report,

(2) the appropriate steps that should be taken to provide assurances of personal

safety and adequate, efficient, and equitable distribution of assistance with respect to Salvadorans or Nicaraguans who are displaced within El Salvador or Nicaragua (as the case may be) or who have fled to other countries in Central America,

(3) treaty obligations of the United States, humanitarian considerations, and previous practice of the United States respecting the treatment of aliens in similar circumstances, and

(4) whether it is appropriate to extend, remove, or alter the restrictions contained in title III.

(c) COMMITTEE REPORT.—Not later than 270 days of continuous session of the Congress after the date of the referral of the report to a committee, the committee shall report to its respective House its oversight findings and any legislation it deems appropriate.

(d) TREATMENT OF CONTINUITY OF SESSION.—For purposes of this Act, continuity of session of Congress is broken only by an adjournment sine die at the end of the second regular session of a Congress, and days on which either House of Congress is not in session because of an adjournment of more than 10 days to a date certain are excluded from the computation of the periods of continuous session of Congress.

TITLE III—TEMPORARY STAY OF DEPORTATION LIMITATION ON DETENTION AND DEPORTATION

SEC. 301. (a) LIMITATION.—(1) Except as provided in paragraph (2), the Attorney General shall not detain or deport (to El Salvador or Nicaragua, as the case may be) aliens described in subsection (b) during the period beginning on the date of the enactment of this Act and ending 270 days of continuous session of Congress after the date of transmittal of the report of the Comptroller General of the United States to the Speaker of the House of Representatives under section 102.

(2) Paragraph (1) shall not be construed to prohibit the brief interrogation of an alien under section 287(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(a)(1)) for the purpose of determining whether this section applies to particular aliens.

(b) SALVADORANS AND NICARAGUANS COVERED BY THE LIMITATION.—The nationals referred to in subsection (a)(1) are aliens who—

(1) are nationals of El Salvador or Nicaragua,

(2) have been and are continuously present in the United States since before January 1, 1989, and

(3) are determined to be deportable only under—

(A) paragraph (1) of section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1251(a)), but only as such paragraph relates to a ground for exclusion described in paragraph (14), (15), (20), (21), (25), or (32) of section 212(a) of such Act (8 U.S.C. 1182(a)), or

(B) under paragraph (2), (9), or (10) of section 241(a) of such Act (8 U.S.C. 1254(a)).

(c) REGISTRATION.—Each individual described in paragraphs (1), (2), and (3) of subsection (b) shall register with the Attorney General anytime beginning 30 days after the date of enactment of this Act and ending 180 days after such date, as a person to whom this Act applies. Upon registering, an individual shall be granted employment authorization and shall be provided with an appropriate document which shall note on its face that the individual's employment authorization terminates at the end of the suspension of deportation period established under subsection (a) and shall indicate such date.

(d) No person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or public opinion may obtain the benefit described in subsection (a).

PERIOD OF STAY OF DEPORTATION NOT COUNTED TOWARD OBTAINING SUSPENSION OF DEPORTATION BENEFIT

SEC. 302. With respect to an alien whose deportation is temporarily stayed under section 301 during a period, the period of the stay shall not be counted as a period of physical presence in the United States for purposes of section 244(a) of the Immigration and Nationality Act (8 U.S.C. 1254(a)), unless the Attorney General determines that extreme hardship exists.

TITLE IV—MISCELLANEOUS PROVISIONS

ALIEN'S STATUS DURING PERIOD OF EXTENSION

SEC. 401. During the period in which an alien's deportation is temporarily stayed under section 301, the alien—

(1) shall not be considered to be permanently residing in the United States under color of law,

(2) shall not be eligible for any program of public assistance furnished (directly or through reimbursement) under Federal law, and

(3) may be deemed ineligible for public assistance by a State (as defined in section 101(a)(36) of the Immigration and Nationality Act) or any political subdivision thereof which furnishes such assistance.●

By Mr. GORE (for himself, Mr. HOLLINGS, Mr. KERRY, Mr. ROCKEFELLER, Mrs. KASSEBAUM, Mr. BENTSEN, and Mr. INOUYE):

S. 459. A bill to amend title 35, United States Code, and the National Aeronautics and Space Act of 1958, with respect to the use of inventions in outer space; to the Committee on the Judiciary.

USE OF INVENTIONS IN SPACE

● GORE. Mr. President, today I am pleased to introduce legislation that will help establish the patent regime for inventions made in outer space.

I also am pleased to announce that Senators HOLLINGS, KERRY, ROCKEFELLER, KASSEBAUM, BENTSEN, AND INOUYE have agreed to cosponsor this measure.

Mr. President, for the last few Congresses patent legislation for space-based activities has been introduced, but it has not fared very well in the U.S. Senate. Quite frankly, until now there really did not appear to be a need for such legislation, so it was hard to get the proposed legislation considered.

This year that situation is totally different!

When the United States signed the Space Station Intergovernmental Agreements last September with the European Space Agency, Canada and Japan, a very real need for patent legislation surfaced. As a matter of fact, enactment of such legislation is required for the United States to put the Intergovernmental Agreements into effect. Specifically, what is needed is language that permits an exception to the strict application of U.S. patent law for space vehicles that are specifically identified in an international agreement to which the United States is a party. The IGA makes such an exception regarding the applicability of 35 U.S.C. 184 which concerns the filing of patent applications in foreign countries. In the IGA, the parties to the Space Station Agreements have agreed that their national laws (35 U.S.C. 184 for the United States) would not be applied to prevent or delay the filing of patent applications in other countries for inventions made on their registered elements by persons not their nationals or residents under certain specified conditions.

Mr. President, finally, I should note that the language of the proposed amendment being introduced today in the Senate is identical to that which was passed twice by the House of Representatives and which has received substantial support from private industry and the private patent bar.

Mr. President, based on discussions that took place at the end of the last Congress with the Senate Judiciary Committee, I understand that the Subcommittee on Patents, Copyrights and Trademarks has agreed to consider this legislation in a timely manner during the 101st Congress. I support this position and want to thank the chairman of that subcommittee, my good friend and the senior Senator from Arizona, for his willingness to address this issue and to facilitate implementation of the space station agreements.

Mr. President, it is becoming clearer that the dreams of yesterday are becoming the realities of today. Space is the next frontier, and the United States must be in a position to avail itself of these new markets. Passage of this bill in a timely manner is a small step in that direction, but it's an important step because U.S. firms must have an acceptable legal regime in which to operate.

Mr. President, I hope this bill can be enacted in a timely manner by this Congress so that we can get on with the challenges of space-based activities and so that working in space one day will be as commonplace as working on Earth.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1)

chapter 10 of title 35, United States Code, is amended by adding at the end the following:

"§ 105. Inventions in outer space

Any invention made, used or sold in outer space on an aeronautical and space vehicle (as defined in section 103(2)) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2452(2)) under the jurisdiction or control of the United States shall be considered to be made, used or sold within the United States for purposes of this title, except with respect to any space vehicle or component thereof that is specifically identified and otherwise provided for by an international agreement to which the United States is a party.".

(2) The table of sections of chapter 10 of title 35, United States Code, is amended by adding at the end the following:

"105. Inventions in outer space.".

(b) Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457) is amended by adding at the end the following:

"(m) Any invention made, used or sold in outer space on an aeronautical and space vehicle (as defined in section 103(2)) under the jurisdiction or control of the United States shall be considered to be made, used or sold within the United States for purposes of this Act, except with respect to any space vehicle or component thereof that is specifically identified and otherwise provided for by an international agreement to which the United States is a party.".

SEC. 2. (a) Subject to subsections (b), (c), and (d) of this section, the amendments made by the first section of this Act shall apply to all United States patents granted before, on, or after the date of enactment of this Act, and to all applications for United States patents pending on or filed on or after such date of enactment.

(b) The amendments made by the first section of this Act shall not affect any final decision made by a court or the Patent and Trademark Office before the date of enactment of this Act with respect to a patent or an application for a patent, if no appeal from such decision is pending and the time for filing an appeal has expired.

(c) The amendments made by the first section of this Act shall not affect the right of any party in any case pending in a court on the date of enactment of this Act to have the party's rights determined on the basis of the substantive law in effect before such date of enactment.

(d) Subject to subsections (b) and (c) of this section, the amendments made by the first section of this Act shall not apply to any process, machine, article or manufacture, or composition of matter, an embodiment of which was launched prior to the date of enactment of this Act.●

● Mr. HOLLINGS. Mr. President, I join the distinguished Senator from Tennessee in introducing the space patent bill, and I too hope that the Congress can act on this measure in a timely manner so as to add an element of certainty to the risky business of space-based activities.

Mr. President, this is important and necessary legislation because it would remedy the current uncertainty for patent law purposes as to the jurisdiction that applies to activities in outer space. This problem arises primarily because, as a general proposition, the existing patent laws of most countries, including the United States, have no extraterritorial effect. The bill would specifically provide that the U.S. patent law applies with respect to inventions made, used, or sold in space which are on aeronautical and space vehicles under the jurisdiction or control of the United States. This is important in determining the priority of invention, rights to inventions made with U.S. Government funds, and enforcement of privately held patents against infringers.

The bill is consistent with the purpose of the U.S. patent laws, to promote progress in the useful arts, by recognizing and rewarding inventions that advance space technology, as well as the policy and purposes of the U.S. Space Program as set forth in the National Aeronautics and Space Act. One effect of this bill would be to provide the ability to treat the Space Transportation System, and eventually the U.S. portion of the space station, as U.S. facilities in the same manner as a terrestrial-based facility is currently treated in relation to inventions and patents under title 35. It would also apply to privately owned space vehicles.

With the enactment of this bill, U.S. commercial entities will know, with certainty, that their activities in space will receive the same patent protection that these activities receive if conducted on Earth. This certainty in the area of intellectual property law will provide a more conducive business environment and, therefore, encourage the private sector to invest in the commercial use of space.

Mr. President, I would like to associate myself with the remarks of the distinguished chairman of the Subcommittee on Science, Technology, and Space and to ask for expedited consideration of this measure in the 101st Congress.●

By Mr. CONRAD:

S. 460. A bill to amend the Internal Revenue Code of 1986 to extend treatment of certain rents under section 2032A to all qualified heirs; to the Committee on Finance.

EXTENSION OF TREATMENT OF CERTAIN RENTS

● Mr. CONRAD. Mr. President, the 1988 technical corrections law contained an important change in estate tax treatment that will enable more farm families to keep an ongoing farming operation in the family when the property owner dies.

Section 2032A, as amended by the technical correction, extends special use valuation of farm property to surviving spouses who continues to cash-rent farm property to their children. Without this change, a recapture tax would have been imposed in such situations. By allowing the spouse to qualify for special use valuation, the correction was clearly intended to allow a farmer to transmit farm land to his children who would then continue to farm the property.

The 1988 provision, which applies to cash rentals occurring after December 31, 1986, should be helpful, but it does not entirely solve the problem. If there is no surviving spouse, it is not possible under the new law to transmit such property to one's children or grandchildren without triggering the recapture tax.

Accordingly, today I am introducing legislation which would apply to such analogous cases. I learned, for example, of a North Dakota constituent who cash-rented farm property from his mother, who had received the property from her father. Although the deceased grandfather qualified for special use valuation, neither the daughter nor grandson would be able to under a provision that applies only to surviving spouses.

I do not believe such situations were widespread, and it seems likely that Congress did not anticipate them when the language on surviving spouses was agreed to last year. But these cases do exist, and I believe they deserve the same treatment under section 2032A. The bill I am introducing is narrowly drawn to apply to qualified heirs who are immediate members of the decedent's family. I urge my colleagues to consider the fairness of this change, and approve a further correction in this area.●

By Mr. Grassley (for himself and Mr. MATSUNAGA):

S. 461. A bill to amend title XVIII of the Social Security Act to permit payment for services of physician assistants outside institutional settings; to the Committee on Finance.

MEDICARE PAYMENTS FOR PHYSICIAN ASSISTANTS

● Mr. GRASSLEY. Mr. President, I am introducing legislation today which would extend Medicare reimbursement for services rendered by physicians' assistants in doctors' offices, clinics, and homes. Congressman RON WYDEN and I introduced this legislation last year. In the Senate, the bill was S. 1230, and was introduced May 19, 1987.

This bill complements legislation we introduced in 1986 which became law as part of the Omnibus Budget Reconciliation Act of that year. That legislation authorized Medicare part B reimbursement of the services of physician assistants under certain conditions. The services of the physician assistant had to be provided under the supervision of a physician. The services were to be rendered in a hospital, a skilled or intermediate care nursing facility, or for assistance at surgery. The services of the physician assistants were to be reimbursed at a discounted rate: 65 percent of the physician's charge for assistance at surgery, 75 percent for

services provided in a hospital, and 85 percent for services provided in a nursing home. The reimbursement was to be paid to the supervising physician.

The reconciliation legislation for fiscal year 1988 included a provision which authorized Medicare part B reimbursement for all services of physician assistants rendered in rural health manpower shortage areas, regardless of the institutional setting in which they are delivered, and at 85 percent of the physicians' charge for the service.

The legislation I am introducing today would extend Medicare reimbursement to the services of physician assistants regardless of setting or geographic location.

Mr. President, according to a study by the Office of Technology Assessment, physician assistants can have a positive influence on the quality of health care and on access to services. I believe that physician assistants can be particularly helpful in increasing access to health care services in rural communities. I believe that this was recognized by the Congress in the 1988 reconciliation legislation when we decided to reimburse physician assistants in health manpower shortage areas.

The bill I am introducing today is a logical extension of the earlier legislation I described above, which facilitated a greater role for physician assistants.●

By Mr. EXON (for himself and Mr. LAUTENBERG, Mr. SIMON, Mr. ADAMS, Mr. KERRY, Mr. DODD, Ms. MIKULSKI, Mr. KASTEN, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. CONRAD, Mr. BRADLEY, Mr. BIDEN, Mr. PELL, and Mr. SARBANES):

S. 462. A bill to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AUTHORIZING APPROPRIATIONS FOR THE NATIONAL RAILROAD PASSENGER CORPORATION

Mr. EXON. Mr. President, as chairman of the Surface Transportation Subcommittee, I take pleasure in introducing legislation to reauthorize our National Rail Passenger Corporation [Amtrak] for fiscal years 1989, 1990, 1991, and 1992. I am especially pleased to be joined by my distinguished colleagues, the ranking minority member of the Surface Transportation Subcommittee, Senator KASTEN, and the chairman of the Appropriations Transportation Subcommittee, Senator LAUTENBERG, along with a number of my colleagues from around the country, in introducing this bill.

The budget proposal submitted for fiscal year 1990 by both the previous administration and the new administration once again calls for the elimination of funding for Amtrak. Most of us who support a national passenger rail system are convinced that a total elimination of Federal funding for Amtrak would mean the obliteration of rail passenger service in this country.

So the issue here is whether we want national passenger rail service. I certainly do, and I believe that a majority of Americans also want to retain this transportation option. Over 21.5 million intercity passengers traveled by Amtrak last year, and an additional 14 million commuters rode on trains operated by Amtrak, so rail service is obviously an important link in our transportation network. Since 1981, passenger miles, often considered the best indicator ridership, increased over 19 percent and passenger miles per constant dollar of Federal subsidy increased over 250 percent. Passenger miles per train mile have increased 22 percent and for every mile traveled by an Amtrak train, an average of 189 passengers are aboard.

Amtrak is also making substantial progress in becoming increasingly self-sufficient. In fiscal year 1988, Amtrak covered over 69 percent of its total operating cost with its own revenue, as compared with 48 percent of its costs in fiscal year 1981. I am not aware of any passenger railroad in the world that covers more of its own costs than Amtrak.

Last year, Amtrak earned a record $1.1 billion in revenue which is a 14-percent improvement over fiscal year 1987 and an 81-percent increase since fiscal year 1981.

We must not lose sight of the role Amtrak plays in relieving the congestion on our highways and in the air. Amtrak also serves approximately 500 communities of which—114 have no air service, 98 have no direct intercity bus service, and 37 have neither air nor bus service.

Amtrak has been on a steady uphill climb since 1970. Number of passengers, miles traveled, and revenue-to-expenses have increased dramatically. Amtrak has shown some real innovation in increasing efficiency, but it can not stand alone. The reauthorization level for fiscal year 1989 in this legislation is based on the fiscal year 1988 authorization which was included in the Omnibus Budget Reconciliation Act of 1985, with the subsequent funding levels in the bill adjusted for projected inflation during this time.

I look forward to continued improvement in the Amtrak system, and pledge my commitment to working toward this end. I encourage my colleagues to join us in supporting our national rail passenger system.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 601(b)(2) of the Rail Passenger Service Act (45 U.S.C. 601(b)(2)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following:

"(F) not to exceed $630,000,000 for the fiscal year ending September 30, 1989;

"(G) not to exceed $656,000,000 for the fiscal year ending September 30, 1990;

"(H) not to exceed $684,000,000 for the fiscal year ending September 30, 1991; and

"(I) not to exceed $712,000,000 for the fiscal year ending September 30, 1992.".

● Mr. LAUTENBERG. Mr. President, I am pleased to join my distinguished colleague from Nebraska, Senator EXON, in introducing a bill to reauthorize our national passenger rail system, Amtrak.

As chairman of the Senate Transportation Appropriations Subcommittee, as well as a Senator for a State dependent on passenger rail service, I have always been a strong supporter of Amtrak. It's an important element of our national transportation system.

Mr. President, on January 25, I introduced Senate Resolution 24, to express the sense of the Senate that Amtrak should continue to received adequate Federal support. I was pleased to be joined in introducing that resolution by Senator EXON and other Senators from virtually all regions of our country.

That geographical representation demonstrates that Amtrak is not a regional concern, not just something those of us in the Northeast Corridor care about. But certainly, for States like New Jersey, Amtrak is an absolute necessity. Thousands of our commuters depend on it everyday, riding to and from work on Amtrak trains or New Jersey Transit cars traveling over Amtrak rails. In our State and our region, our roads are clogged at rush hour. Without Amtrak's services, those roads would become parking lots.

But Amtrak is no less important in more rural States. In many cases, it's the only form of intercity public transportation available. Take away Amtrak, and you take away the ability of millions of rural Americans to travel in a timely, affordable manner.

Mr. President, over the last 8 years, we in the Congress fought the administration to keep Amtrak alive. Our efforts have been rewarded with improved financial performance, and record numbers of riders. The view of the Bush administration toward Amtrak remains to be seen. Secretary Skinner, throughout his confirmation process, acknowledged the importance of Amtrak. As someone who's been in-

volved in transportation planning, he's seen it firsthand. His views and experience are encouraging.

However, it's likely that Mr. Skinner's views will be tempered by others in the administration more concerned with short-sighted ideologies than long-term needs. Congress likely will have to continue to fight to preserve Amtrak.

Mr. President, the bill we introduce today calls for increased funding levels for Amtrak. As chairman of the subcommittee responsible for funding Amtrak, I can say that meeting those goals will be difficult, if not impossible. But these are goals worth aiming for. In its report, "1989 U.S. Industrial Outlook," the U.S. Department of Commerce projected that Amtrak ridership could continue to grow by 4 to 5 percent annually through 1993. More significant growth, the report stated, would be hampered by capacity constraints.

Mr. President, the potential for further improvement at Amtrak is clear. To pull the rug out by denying Federal support, as was proposed by the Reagan administration, would be shortsighted and counterproductive. It would simply shift the burden of carrying passengers from Amtrak to other modes, which are already overburdened.

Again, Mr. President, I recognize that budgetary pressures will make it difficult to meet the authorization levels contained in this bill. But, as chairman of the Transportation Appropriations Subcommittee, I am committed to continuing support for the system. I will continue to work with Amtrak president Graham Claytor to find ways of making Amtrak more efficient and less dependent on Federal funds.

Mr. President, I applaud Senator EXON for his leadership in introducing this bill, and look forward to Commerce Committee action on this important legislation.●

● Mr. SIMON, Mr. President I welcome this opportunity to join Senator EXON and my other colleagues in support of an improved national rail passenger system and I urge others to join us. In spite of the administration's repeated attempts to end Amtrak for the past 5 years, we in Congress have rejected this shortsighted proposal. Instead we have continued to provide money each year for its growing operations: long trains from East to West and North to South; between cities like Washington and New York, Chicago and Springfield, and San Diego and Los Angeles; and busy commuter systems like those in Massachusetts and Maryland.

Now we have a new administration and a new Secretary of Transportation, Samuel Skinner who has given us the assurance that the Department of Transportation will develop a comprehensive transportation policy. If that is so, an assessment of national rail needs and potential is long overdue.

Amtrak has been following the direction of Congress for the past 8 years—reduce reliance on Federal subsidies. Its shortfall on passenger operations has been reduced an impressive 43 percent, but, faces by hard choices on surface transportation programs, we have reduced Federal financial support by 53 percent in constant dollars. During this time Amtrak's major successes have occurred where the earlier investments have been substantial enough to make Amtrak an attractive choice to travelers. Amtrak's contribution to reduction of auto and airport congestion in the Northeast is so impressive that its successes must be maintained and expand in other parts of the Nation. Indeed, where it makes economic sense, Amtrak must meet the growing demand for its service.

In addition to shorter range service in congested urban regions, tourism is a major component of Amtrak's success. Travelers from here and abroad, instead of flying into the inevitable moonscapes around major airports, more often prefer Amtrak's long distance trains which originate in major cities, such as Chicago, and stop in many of the most attractive, historic rail towns in the Nation. That provides a potential reawakening of these towns as our major cities. Unfortunately, these long distance trains cannot keep up with this demand and are booked 4 months in advance during the peak season. Many customers are being turned away.

Because of Amtrak's success it can no longer coast on past investments in facilities and equipment. To raise more revenues Amtrak needs enough refurbished and new locomotives and railcars to meet its current demand and to avoid breakdowns due to shortage in equipment. Rights of way, if sufficiently improved at a fraction of the cost of new highway lanes or expanded airports, will provide for traveling speeds of up to 125 miles per hour.

In Illinois the major Amtrak route between Chicago and St. Louis stopping at our capitol, Springfield, is owned by a rail company now in receivership, and its potential is sorely hampered by poorly maintained track requiring slower speeds.

We can no longer accept shrinkage in the underused national rail system as inevitable while the demand for reliable and extensive rail travel expands. Congress must give a clear signal to citizens and their States and local governments as well as the private sector that Amtrak is not only here to stay, but that rail passenger service is an important option in their transportation and economic development plans. I urge you to join me in giving the Nation that green light.●

By Mr. SANFORD (for himself and Mr. BOND):

S. 464. A bill to promote safety and health in workplace owned, operated or under contract, with the United States by clarifying the U.S. obligation to observe occupational safety and health standards and clarifying the U.S. responsibility for harm caused by its negligence at any workplace owned by, operated by, or under contract with the United States; to the Committee on the Judiciary.

GOVERNMENT OBSERVATION OF SAFETY AND HEALTH STANDARDS

Mr. SANFORD. Mr. President, in December 1861, Abraham Lincoln said in his State of the Union Address:

> It is as much the duty of government to render prompt justice against itself in favor of citizens, as it is to administer the same between private individuals.

That simple statement captures an essential part of the essence of democracy. It says eloquently that no person and no institution is above the law, not even the Government itself. Yet, we have not totally heeded the wisdom and advice of President Lincoln. We continue even today, almost 130 years later, to see our Government invoke its sovereign immunity, the theory that the king, the monarch, the absolute ruler, can do no wrong.

I introduce today, along with Senator BOND of Missouri, a bill to help right that wrong, to put the scales of democratic justice in balance, and not weighted heavily on the side of the Government against its citizenry.

This bill is short and to the point: it says that the Government, like private employers, must observe occupational safety regulations in any workplace it owns, operates or has under contract and if it does not, that it can be sued for its negligence when injury occurs.

The bill is nothing more than a day in court bill. It is not a compensation bill. It is not an automatic entitlement. It does not declare an open season on the Treasury. By clarifying the obligation of the United States to observe occupational safety and health standards, it simply allows people who are injured when those standards are ignored or violated to sue the Government.

I think the passage of this legislation is a clear move, and an overdue one, toward justice and equity and away from a double standard which treats private employers much more harshly than it treats the Government. What we insist the private sector do to protect its workers in terms of following health and safety regulations, we must also require of Government. That is all this bill does.

It does another thing which makes sense under our system of law. It makes equal treatment of similar cases of injury part of our law by depriving the Government of a technical legal

defense. Under present law, two individuals with the same grievance under the same circumstances are not treated before the law.

An injury caused by the negligence of a private person or a corporate employee can result in a lawsuit and a verdict that can be enforced if the negligent person is found liable. But, if the negligence results from the Government's negligence or from that of its employees, compensation is denied because of the technical defense of sovereign immunity, and its corollary, discretionary function.

What this means is that the same offense, the same unhealthy consequences, the same court finding and verdict, can lead to two different results for equivalent victims. Under current law, many people go uncompensated because of the Government appeal that it cannot be sued. That is not just and it is not what a democracy should guarantee its citizens.

To render prompt justice, as Lincoln suggested, means that citizens should be able to call their Government to task for negligence resulting in injury, as they do their fellow citizens. This bill provides for that equality of treatment and I look forward to its careful consideration and early passage.

By Mr. CRANSTON:

S. 465. A bill to amend the National Trails System Act by designating the Juan Bautista de Anza National Historic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

JUAN BAUTISTA DE ANZA NATIONAL HISTORIC TRAIL

Mr. CRANSTON. Mr. President, today I am introducing legislation to designate the Juan Bautista de Anza Trail as a component of the National Trails System. The bill is identical to legislation being introduced in the House by Congressman GEORGE MILLER.

In 1775, Juan Bautista de Anza, a second-generation frontier soldier, set forth from Horcasitas, Mexico to open up the first overland route to upper California. Crossing the border near the city of Nogales, the expedition followed a route north along the Santa Cruz River past Tucson, then westward along the Gila River to Yuma, and across the Colorado River back into Mexico. Reentering the United States near El Centro, the expedition continued northward through Imperial, San Diego, Riverside, Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Monterey, San Benito, Santa Clara, and San Mateo Counties, finally reaching San Francisco in June 1776. The de Anza expedition proved that overland travel between the Mexican province of Sonora and upper California was possible and resulted in the initial settlement of San Francisco and the founding of the presidio and mission there.

Pursuant to legislation I sponsored in the 98th Congress, the National Park Service conducted a feasibility study of including the Juan Bautista de Anza Trail in the National Trails System. I'm pleased to report that this feasibility study/environmental assessment concluded that the de Anza Trail meets the criteria for designation as a national historic trail. The study further found that there is substantial public support for the designation and that State and local agencies and private organizations are prepared to contribute their resources to the endeavor.

The bill I am introducing today implements the recommendations of the National Park Service study. It designates the Juan Bautista de Anza National Historic Trail, comprising approximately 1,200 miles from Nogales, AZ, to San Francisco, CA, and provides that the trail be administered by the Secretary of the Interior. The bill also calls for the Secretary to encourage the participation of volunteer trail organizations in the development and maintenance of the trail.

Mr. President, enactment of this legislation will give national recognition to an important pioneer route and commemorate an event significant to the course of American history and the settlement of California. I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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

S. 465

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Juan Bautista de Anza National Historic Trail Act".

SEC. 2. JUAN BAUTISTA DE ANZA NATIONAL HISTORIC TRAIL.

(a) DESIGNATION.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end thereof the following:

"(17) The Juan Bautista de Anza National Historic Trail, a trail comprising the overland route traveled by Captain Juan Bautista de Anza of Spain during the years 1775 and 1776 from Sonora, Mexico, to the vicinity of San Francisco, California, of approximately 1,200 miles through Arizona and California, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) entitled 'Juan Bautista de Anza National Trail Study, Feasibility Study and Environmental Assessment' and dated August 1986. A map generally depicting the trail shall be on file and available for public inspection in the Office of the Director of the National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior. In implementing this paragraph, the Secretary shall encourage volunteer trail groups to participate in the development and maintenance of the trail.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 10(c)(2) of the National Trails System Act (16 U.S.C. 1249(c)) is amended by striking "and (16)" and inserting "(16), and (17)".

By Mr. BIDEN (for himself and Mr. THURMOND):

S. 466. A bill to amend title 18 of the United States Code to prohibit the use of the mails to sell or solicit the sale of anabolic steroids; to the Committee on the Judiciary.

STEROIDS CONTROL

Mr. BIDEN. Mr. President, Today I am introducing a bill to address what has become a major public health problem in America—the abuse of anabolic steroids. And I am pleased to have the Senator from South Carolina join me in this effort. Senator THURMOND and I have been working for many years to deal with the drug abuse problem, particularly among our young people.

Young people use steroids not only because they want to be better athletes, but also because they want to look better. What they do not understand is that steroids have proven adverse medical consequences. The medical problems associated with steroids include coronary artery disease—including heart attack and stroke, cancer, liver disease, sterility, increased cholesterol levels, stunted growth in adolescents, and—in some rare cases—death. There is also some limited evidence that steroids can be psychologically addictive.

Unfortunately, while most people think that steroids are only a problem among the elite circle of world-class Olympic athletes, steroid abuse permeates every level of amateur and professional sports. In a recent survey, 7 percent of the male high school athletes said they had or were continuing to use steroids. And it's almost unbelievable that 40 percent of these users began before the age of 16. Applied nationwide, it could mean that 250,000 to 500,000 male high school students are using steroids.

Not surprisingly, this incredible demand for illicit steroids fuels an underground black market that has become a $400 to $500 million industry. And in an ominous trend, professional drug traffickers have been lured by these profits and are beginning to push a new set of poisons upon our children.

Last year, I added an amendment to the Anti-Drug Abuse Act of 1988 that increased the penalty for illegal distribution of steroids from a misdemeanor to a felony, punishable by up to 3 years imprisonment. And the penalty doubles for selling steroids to children.

When I introduced that amendment, I said that it was only the first step in what should be a nationwide crackdown on steroid trafficking and abuse. The bill that I am introducing today

represents what I believe should be one of the next steps in this effort.

Many illegal steroids dealers use the U.S. mails to distribute these drugs throughout the country. In addition, some foreign companies in Mexico and Europe have used direct mail solicitations to encourage U.S. citizens to buy steroids. In one blatant example, a Mexican firm, United Pharmaceuticals of Mexico, mailed a solicitation to U.S. citizens giving them directions to a hotel across the border where they could go to buy steroids.

My bill would address these problems in two ways. First, it will make using the mails to distribute steroids a separate criminal offense, thus giving postal investigators the authority to conduct steroid investigations. And second, it will make the solicitation of illegal steroid sales through the mails or any other communication device such as the telephone a criminal offense. Any person who violates either of these provisions faces a prison sentence of up to 3 years.

Once again, I would like to thank Senator THURMOND for joining me in this effort. I look forward to working with him in the Judiciary Committee as we try to stem the steroid abuse problem in America.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 83 of title 18, United States Code, is amended by adding after section 1716A the following:

"SEC. 1716B. NONMAILABLE ANABOLIC STEROIDS.—

"(a) Whoever knowingly—

"(1) deposits in the mail;

"(2) causes to be deposited in the mail; or

"(3) receives by mail with intent to further distribute,

any anabolic steroid for any use in humans other than the treatment of disease pursuant to the order of a physician, except as otherwise permitted by law, shall be fined under this title, imprisoned not more than 3 years, or both.

"(b) For the purposes of this section, the term "mail" means the U.S. Postal Service or any other interstate mailing or delivery facility or service.

"(c) Whoever knowingly uses any communication facility as defined in subsection (b) of section 403 of the Controlled Substances Act (21 U.S.C. 843(b)) in committing or in causing or facilitating the commission of any act or acts prohibited by subsection (a) shall be fined under this title, imprisoned not more than three years, or both. Each separate use of a communication facility shall be a separate offense under this subsection.

"(d) Any property, real or personal, involved in a violation of subsection (a) or (c) shall be subject to forfeiture under the procedures provided in sections 413 and 511 of the Controlled Substances Act (21 U.S.C. 853 or 881), with respect to criminal and civil forfeiture. Such forfeiture proceedings may be carried out by the Department of Justice or, with respect to administrative forfeiture proceedings, by the Postal Service.".

(b) The table of sections for chapter 83 of title 18, United States Code, is amended by adding after the item for section 1716A the following:

"1716B. Nonmailable anabolic steriods.".

(c) Section 3001 of title 39, United States Code, is amended by inserting "1716B," after "1716,".

Mr. THURMOND. Mr. President, today, I am pleased to join Senator BIDEN in introducing this important legislation. Last year, as part of the Anti-Drug Abuse Act of 1988, legislation was enacted which prohibits the distribution of anabolic steroids for any use in humans, other than for medical treatment. This provision was in response to the growing abuse of anabolic steroids by young adults, bodybuilders, and athletes. Ignoring the proven side effects of steroid use, such as cancer and sterility, people have continued to use steroids in an effort to make themselves stronger and physically more attractive. With the strong demand for these steroids, there will always be those who attempt to profit from their sale.

Despite last year's enactment of the statute banning the distribution of steroids, many wholesale steroids dealers have been using the regular mails to distribute their drugs. In addition, steroid dealers from various parts of the world have been marketing their products in the United States through direct-mail and telephone solicitation.

This legislation builds upon the drug bill Congress passed last year by making it illegal to use the mails to distribute steroids. Those who violate this provision would be subject to a maximum of 3 years imprisonment and tough criminal fines. The bill also makes the solicitation of illegal steroids sales a criminal offense and provides for the forfeiture of those assets used to violate the statute. In effect, this bill will give U.S. Postal Inspectors the necessary jurisdiction to provide needed assistance to law enforcement in the battle against illegal steroid use.

Mr. President, the abuse of anabolic steroids is a serious problem facing this Nation. Everyday, people are using these drugs despite the risks to their health and even their life. We must not stand by and watch as thousands of our citizens ruin their lives for the sake of bigger and stronger bodies. Without question, those people who sell steroids in violation of the law are drug pushers. Legislation which will punish them for their efforts to distribute illegal drugs should be swiftly considered.

I look forward to hearings on this bill and I urge my colleagues to support this important legislation.

By Mr. SIMON (for himself and Mr. DIXON):

S. 467. A bill to provide for an accelerated implementation of an approved demonstration project for Federal Aviation Administration employees at certain facilities; to the Committee on Commerce, Science, and Transportation.

ACCELERATED IMPLEMENTATION OF AN APPROVED DEMONSTRATION PROJECT

● Mr. SIMON. Mr. President, today, my good friend and colleague Senator DIXON and I are introducing legislation which should significantly help address both the safety and traffic problems now faced by three of our busiest airports—Los Angeles, New York Kennedy, and Chicago O'Hare.

Several months ago, Senator DIXON, and I, and several of our colleagues in the other body, went through a series of meetings with the Federal Aviation Administration. A number of near air misses in the Chicago airspace had increased fears that there was a disaster waiting to happen.

One of the problems the FAA has faced at O'Hare, and other large airports, is the ability to attract qualified controllers and, over time, to retain them. While this is only one of many problems we fact at O'Hare, it is a critical problem. The FAA has responded by asking the Office of Personnel Management to use their authority to put a pay demonstration project into place at three of the country's largest airports. The pay demonstration project, authorized under civil service reform legislation in 1976, will allow 2,000 FAA employees to be eligible to receive an additional pay allowance of up to 20 percent of their basic pay. The demonstration project will last for 5 years. Other pay demonstration projects already initiated by the Office of Personnel Management have proven to be highly effective management tools. We anticipate that this project will do the same at O'Hare, Kennedy, and Los Angeles International Airport.

Under the pay demonstration project authority, there is a 180-day waiting period following announcement of the project, allowing comments to be heard. The FAA project is currently scheduled to be implemented in May of this year. We believe the situation at these three airports is critical enough to reduce that 180-day waiting period. Our legislation would allow the pay demonstration project to start as soon as Congress passed this legislation.

This has not been a good period for the airline industry—anxiety is high among consumers, carriers, and Government regulators. When we are given the tools to address these concerns and take constructive action to ensure the safety of air travelers, we should do so quickly and fully. We

urge our colleagues to join us in moving this legislation quickly, and allowing these airports to function as safely and efficiently as they can.●

● Mr. DIXON. Mr. President, I want to commend my colleague, Senator SIMON, for his diligent efforts on behalf of air traffic controllers and the traveling community in general. We have a mission to accomplish today. That is to bring back confidence in the air traffic system.

Up to now, we've been rather upset at the way the Federal Aviation Administration handled the crisis in the Chicago airspace. I am pleased with this development, however. The pay demonstration project that we are attempting to implement will help solve a problem that has troubled me since the crisis began: not enough controllers want to work or are working in the facilities covering our Nation's busiest airports. What incentive is there to work in an expensive city at a busy facility when someone can earn the same money in sunny climes at an airport with moderate traffic? Absolutely none until now.

The demonstration project must be implemented soon. That is why Senator SIMON and I have introduced this bill. The traveling public needs to know that we take their safety seriously, and our Nation's air traffic controllers and support staff need to know that we take their jobs seriously. I urge the Senate to take immediate action on this bill and send the right signals about our commitment to air safety.●

By Mr. REID (for himself, Mr. BURDICK, Mr. ADAMS, Mr. BOREN, Mr. CONRAD, Mr. MOYNIHAN, Mr. SANFORD, Mr. DODD, Mr. LEVIN of Michigan and Mr. BRYAN):

S. 469. A bill to amend the enforcement provisions of the Federal Election Campaign Act of 1971; to the Committee on Rules and Administration.

FEDERAL ELECTION ENFORCEMENT ACT

Mr. REID. Mr. President, today I am introducing a bill to provide for more effective enforcement of our Federal election laws. I am proud to be joined in this effort by original cosponsors Senators BURDICK, ADAMS, BOREN, CONRAD, MOYNIHAN, SANFORD, DODD, LEVIN of Michigan and BRYAN.

We talk a great deal in this Chamber about the need to change our election laws, and I agree wholeheartedly with the reforms suggested in S. 137, Senator BOREN's Senatorial Election Campaign Act of 1989. In fact, I am an original cosponsor of that bill. But, in addition to these reforms, we must address the issue of enforcement. After all, what good are our laws if they are not enforced? Currently, the penalties for election law violations are too little, too late. As Germond and Witcover pointed out in an article that appeared in the Baltimore Evening Sun last month, the message of FEC enforcement is "we can only lock the barn after the horse is stolen."

Candidates can win elections by violating election laws. Often they are not penalized at all, and even if they are penalized—the fines amount to a mere slap on the wrist, years after the violation occurred. This hardly deters the successful candidate.

The Federal Election Enforcement Act addresses this problem by shortening the process and making the penalties more severe.

Currently, the law provides caps on penalties. This has led to ridiculously low penalties for serious violations of the law. This bill would change that by providing for minimum penalties equal to the amount of the violation. Only this way can we encourage people to know and abide by the law. In addition, the bill reduces the time required for conciliation agreements and provides minimum penalties that will limit the negotiating posture of alleged violaters. The Federal Election Enforcement Act also includes technical changes in Federal Election Law providing the FEC with the authority to issue injunctions and replacing the "reason to believe" standard with the Federal rules 12(b)(6) standard of failure to state a claim. The bill also addresses the problem caused by the often partisan 3-3 votes of the Commission which stop enforcement in its tracks. Under FEEA, the party alleging a violation will be given a private right of action in cases where the Commission fails to act because of a 3-3 vote. The bill also provides for the award of attorney's fees to the prevailing party.

The message this bill sends is a simple one: if we are going to have election laws, lets enforce them, if we are going to penalize violaters, lets have penalties that deter violations.

Mr. MOYNIHAN. Mr. President, I rise in strong support of the Fair Campaign Enforcement Act introduced today by my good friend from Nevada Senator REID. This bill, which I supported in the 100th Congress, takes a belated first step to correct one of the long neglected problems of guaranteeing fair elections: Poor enforcement of campaign laws, something that often gives an advantage to those breaking the law, and penalizes those abiding by it. While the Senate was deadlocked on campaign finance reform measures last Congress, there is hope that we will take a bipartisan step toward reform this time.

My frustration with the enforcement of campaign finance law is borne from firsthand experience. In 1982, I was targeted for defeat by a political smear organization called the National Conservative Political Action Committee, or NCPAC. NCPAC is now swamped with debt and all but defunct, but in the early 1980's, it effectively slung mud and grossly violated campaign laws in its attempts to defeat liberal lawmakers. During my campaign, the director of NCPAC's supposedly independent advertising campaign in New York State was also on the payroll of one of my Republican opponents. This in complete violation of Federal campaign law.

In January 1982, the New York State Democratic Committee filed suit against NCPAC and my opponent. More than 2 years later, the Federal Election Commission [FEC] finally filed suit against NCPAC. More than 2 years after that, a U.S. district court judge ruled that NCPAC had violated campaign law, forcing the group to settle with the FEC. Three and one-half years had passed since the election had been decided.

Fortunately, this long delay had no effect on the ultimate outcome of the election. But it might have. The perpetrators of the crime banked on the fact that by the time they were caught and punished, the damage they sought to inflict would be long done. And this was not an isolated incident. Mr. President, I submit that it is damaging to the integrity of the democratic process to give such an advantage to the lawbreakers that crimes are practically encouraged and rewarded. We must takes steps to ensure that the Federal Election Commission has no excuse for not carrying out its mission swiftly and effectively, and to ensure that elections cannot be stolen.

I believe the Fair Campaign Enforcement Act is one such step. The bill will require substantial penalties for violations of the law. It will require that the FEC take action more quickly against alleged violations. It will permit quicker access to the courts when the Commission fails to reasonably pursue a violation. These changes, I believe, will begin to tip the balance away from the lawbreaker, and ensure that election laws are fairly—and promptly—enforced.

Mr. President, I ask unanimous consent that an editorial from the Washington Post on the not-so-swift enforcement of Federal campaign law be included in the RECORD at this point.

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

[From the Washington Post, May 22, 1986]

THE FEC's GOOD NEWS

The good news is that the Federal Election Commission has won victories in two important cases. The bad news is—well, you begin to get the idea when you know that the cases arose in the 1982 and 1984 campaigns. The FEC has done a good job of closing the barn door, but the barn has been empty for years. The question is now whether, in comparable future cases, the commission can get it closed in time.

The first of these victories came in a case brought against NCPAC concerning the 1982 senatorial campaign of Bruce Caputo. NCPAC (under the name of "New Yorkers Fed Up With Moynihan") made what it claimed were "independent expenditures" substantially above the amount it could contribute directly to Mr. Caputo's campaign. That's legal, so long as "independent" means what it says—i.e., that there is no collusion or contact between the contributor and any candidate who is a beneficiary. But in this case both NCPAC and the Caputo campaign used the same pollster, Arthur Finkelstein. They could hardly be said to be independent unless the Caputo side of Mr. Finkelstein's brain refrained from communicating with the NCPAC side. The FEC sued NCPAC and won in federal court in Manhattan—but not until last Friday.

The second case was brought against the National Congressional Club and Jefferson Marketing, both controlled by associates of Sen. Jesse Helms. The charge is that Jefferson Marketing provided services to Helms-backed candidates at rates so far below market rates that they amounted to contributions above the limits set by law. Jefferson Marketing has signed a consent decree, agreeing to separate its ownership from the Congressional Club and to pay a $10,000 fine. This may prevent future violations. But a $10,000 fine seems a small price to pay for a violation that may have affected the outcome of a Senate campaign in which $26 million was spent and which was decided by 86,000 votes of 2.2 million cast.

These cases may be moot for most of the parties concerned: Mr. Caputo, for one, withdrew from the 1982 race long before the election, when it was revealed that his claim to have served in the military was false; NCPAC has had its financial woes of late. But the principles remain important, and the results show that the commission can do something about those who wink at the law. The mystery is why these cases took so long.

For this some blame must go to the defendants, who predictably delayed things as much as they could, and some to the courts; the FEC went to court against NCPAC in February 1984 and against Jefferson Marketing in February 1985. But blame must also go to the commission. These violations were about as clear-cut as one can find, and the complaints were brought well before the elections. Yet the FEC took 20 months to find probable cause that NCPAC violated the law—14 months after the election. In the Jefferson Marketing case, the commission made its finding 17 months after the complaint and three weeks before the election; but it allowed another four months for "conciliation." The FEC needs to act more quickly. As things now stand, those who obey the law are not to be put at an unfair disadvantage by those who violate it.

By Mr. EXON:

S. 470. A bill to provide better bus transportation services for residents of rural areas, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

RURAL BUS SERVICES ACT

Mr. EXON. Mr. President, I am proud to introduce a bill designed to improve bus transportation services for residents of rural areas.

In August 1988, the surface transportation subcommittee held a hearing in Omaha, NE, on passenger bus service, which followed a 2-day conference on reconnecting rural America. At that hearing we focused on the adequacy of existing interstate and intercity passenger bus service, the prospects for continuation of service and the need for a redistribution of Federal and State transportation funding to ensure continued service.

There is no doubt that rural America has been affected by the operation and structure of the bus industry since enactment of the Bus Regulatory Reform Act of 1982. By utilizing market freedoms under the 1982 reform act, carriers discontinued many unprofitable routes, and smaller carriers have established service in areas where demand still exists.

An analysis by the Interstate Commerce Commission found that between 1982 and 1986, approximately 3,400 communities, nine-tenths of them with populations of under 10,000, lost all intercity bus service.

In my home State of Nebraska, a good example of this nationwide problem for rural transportation is currently taking place. It involves the possible loss of the only intercity bus service through northern Nebraska, which runs from Omaha through northern Nebraska and up to Rapid City, SD.

The loss of this Black Hills Stateline route would end intercity bus service through such major northern Nebraska cities as Norfolk, Neligh, O'Neill, Bassett, Valentine, Rushville, Chadron, Ainsworth, and others. Only two of those cities have air service under the essential air services program. None of those cities is served by Amtrak.

However, this particular problem in Nebraska is hardly unique throughout rural America. There is clearly a need for some creative and innovative approaches and the establishment of a new rural transportation policy.

The legislation I am introducing today, known as the Rural Bus Services Act, specifically provides assistance to States and local communities facing loss of intercity bus service.

After deregulation of the airline industry, a safety net program was implemented to assist in keeping essential air service in smaller cities and communities threatened by loss of service. Intercity rail passenger transportation has Amtrak for essential rail transportation. Although there was language originally establishing a safety net program for intercity bus transportation, it was eventually deleted from the 1982 Bus Deregulation Act prior to its final passage. This legislation revives that program, with some modification, and funds this program by changing distribution of urban mass transportation funds.

The bill also increases the minimum share of funds allocated to provide transportation assistance to nonurbanized areas from the current 2.93 percent to 7 percent of total funds. That is a modest request.

For far too long, smaller communities and rural areas have not received an adequate share of UMTA resources. Out of the 7 percent funding mix created by this legislation, 1 percent or one-seventh of these funds would be available to carry out the new program for the improvement of intercity bus service, and for the establishment and maintenance of certain rural feeder services. The remainder would be available to help out existing rural transit programs.

I hope this legislation will provide the necessary tools for States and the incentives for existing transit providers to bring passengers from rural areas to hub cities, thereby linking local communities with other intercity carriers, as well as expand programs such as the Rural Connection Program initiated recently by Greyhound.

The bill also provides for the establishment of a pilot program to assess the feasibility of combining express pickup and delivery of small packages with passenger transportation in rural areas. Currently, rural transit systems can feed passengers to intercity carriers but are generally prevented from providing package delivery because of barriers established by State regulatory commissions.

A requirement of the legislation would be that DOT conduct a study to determine the extent to which this kind of limited pickup and delivery and passenger service is dependent upon Federal preemption of State regulation.

It is my hope that this bill will bring greater equity to our national transportation funding policy, increase assistance for transit in rural areas, and increase the mobility of the groups recognized as most dependent on intercity bus transportation, such as the poor, the elderly, and the handicapped. I urge my colleagues to join me in this effort.

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

S. 470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rural Bus Services Act".

INTERCITY BUS SERVICE

SEC. 2. The Urban Mass Transportation Act of 1964 (49 App. U.S.C. 1601 et seq.) is amended by adding at the end the following new section:

"INTERCITY BUS SERVICE

"SEC. 26. (a) The Secretary is autorized to make grants for the initiation, improvement, or continuation of intercity bus service, and for the establishment and maintenance of rural feeder services, for residents of rural areas and residents of urban places designated by the Bureau of the Census as

having populations of 5,000 or more which are not within an urbanized area.

"(b) Grants for the initiation, improvement, or continuation of intercity bus service under subsection (a) of this section shall be made only to States and local public bodies and agencies thereof, only for payment of operating expenses incurred in furnishing such intercity bus service, and shall not exceed 30 percent of the net cost of such an operating expenses project. The remainder of such cost shall be provided in cash from sources other than Federal funds. Such grants shall be subject to such other terms, conditions, and requirements as the Secretary may consider necessary to promote the initiation, improvement, or continuation of privately owned and operated intercity bus service. To the maximum extent feasible, assistance shall be distributed by the Secretary only for privately owned intercity bus companies to subsidize deficit operations considering the profitability of the route as a whole. The determination of profitability shall include all income generated by the route and only direct costs of the operation of the route. In making any such grant with respect to service in a particular general area, the Secretary shall give preference to applications involving a private bus operator which lawfully has provided intercity bus service within that area during the 1-year period preceding the date of application for such a grant, as compared to applications involving proposals for such service by any other operator.

"(c) Grants for the establishment and maintenance of rural feeder services under subsection (a) of this section shall be made only to States and local public bodies thereof in order to provide financial and other incentive for such establishment and maintenance. Such incentives may include—

"(1) supplemental operating assistance to permit daily service;

"(2) extension of authorized operating hours to facilitate connections with bus and railroad services that operate in nationwide interstate commerce;

"(3) subsidization of fares; and

"(4) establishment of a special fund to pay for the marketing of rural connections and rural feeder services.

"(d) As used in this section, the term—

"(1) 'intercity bus service' means transportation provided to the public by a private bus operator authorized to transport passengers in interstate commerce by the Interstate Commerce Commission or in intrastate commerce by a State regulatory commission or comparable State agency (A) between one urban place as designated in accordance with subsection (a) and another such urban place, (B) between such an urban place and an urbanized area, or (C) between one urbanized area and another urbanized area, through rural areas or such urban places, or both, except that the term does not include local service; and

"(2) 'rural feeder services' means transportation provided to the public which is designed to facilitate connections between a rural area and bus and railroad services that operate in nationwide interstate commerce.".

FUNDING FOR RURAL PROGRAMS

SEC. 3. (a) Section 21 of the Urban Mass Transportation Act of 1964 (49 App. U.S.C. 1617) is amended—

(1) in subsection (a)(1), by striking "sections 9 and 18" and inserting in lieu thereof "sections 9, 18, and 26"; and

(2) by amending subsection (e) to read as follows:

"(e) For each of fiscal years 1987 through 1989, 2.93 percent of the aggregate funds made available for sections 9, 18, and 26 and section 9B under subsections (a)(1) and (b) of this section shall be available to carry out sections 18 and 26. For each of fiscal years 1990 through 1992, 7 percent of such aggregate funds shall be available to carry out sections 18 and 26, of which 1 percent of such aggregate funds shall be available to carry out section 26. All amounts made available for sections 18 and 26 shall be from funds appropriated under subsection (a).".

(b) Section 9(a)(2) of the Urban Mass Transportation Act of 1964 (49 App. U.S.C. 1607a(a)(2)) is amended by inserting immediately before the period at the end the following: ", except that for each of fiscal years 1990 through 1992, not to exceed 84.36 per centum shall be available for such expenditure".

EXPRESS PICKUP AND DELIVERY OF SMALL PACKAGES

SEC. 4. (a)(1) The Secretary of Transportation shall establish pilot projects for the purpose of providing incentives for rural feeder services (as defined under section 26 of the Urban Mass Transportation Act of 1964) to combine express pickup and delivery of small packages with passenger transportation.

(2) The Secretary shall, not later than 9 months after the date of enactment of this Act, make grants for the projects referred to in paragraph (1), which shall not exceed 18 months in duration. The grants shall be made only to States and local public bodies and agencies thereof and shall not exceed 20 percent of the net cost of providing such pickup and delivery. The remainder of such cost shall be provided from sources other than Federal funds.

(3) In making grants under this section, the Secretary shall, in consultation with the Interstate Commerce Commission, give preference to applicants which—

(A) demonstrate a serious community need for such pickup and delivery, in light of such circumstances as availability and proximity of existing pickup and delivery services; and

(B) propose services by private bus operators with proven expertise in intercity bus services (as defined under section 26 of the Urban Mass Transportation Act of 1964) which possess a reasonable likelihood of continuing such pickup and delivery after grant assistance under this section has terminated.

(4) No grant under this section shall be made after September 30, 1991.

(5) Section 4(i) of the Urban Mass Transportation Act of 1964 (49 App. U.S.C. 1603(i)) is amended by inserting, immediately before the period at the end of the first sentence, the following: ", including projects referred to in section 4(a)(1) of the Rural Bus Services Act".

(b) The Secretary shall conduct a study to evaluate the extent to which such pickup and delivery is dependent upon Federal preemption of State regulation. The Secretary shall, not later than 12 months after the date of enactment of this Act, report to Congress on the results of such study.

By Mr. MOYNIHAN (for himself and Mr. SIMPSON):

S. 472. A bill to amend the Foreign Relations Authorization Act, fiscal years 1988 and 1989, to extend the period during which aliens may not be denied visas on certain grounds, and for other purposes; to the Committee on the Judiciary.

CLARIFICATIONS TO MC CARRAN-WALTER PROVISIONS

● Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill, for myself and Mr. SIMPSON, which clarifies modifications made last year in the Foreign Operations Appropriations Act, fiscal year 1989 to section 901 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989. Section 901 concerns the exclusion of aliens from the United States on the basis of their political beliefs. Due to drafting errors, the law was not as clear as it might be. This bill goes some way to clarify that law. I am pleased to say that this bill has the support of the chairman and ranking member of the Committee on Foreign Relations. I hope we can look forward to its early passage.●

By Mr. GRAMM:

S. 474. A bill to amend the Immigration and Nationality Act to deny the adjudication of certain political asylum claims made in the United States; to the Committee on the Judiciary.

POLITICAL ASYLUM APPLICATION REFORM ACT OF 1989

● Mr. GRAMM. Mr. President, today I am introducing legislation that seeks to close a loophole in our immigration law which has been exploited by refugees from throughout Central America. The result of this activity is that small communities in south Texas have been overwhelmed as they struggle to cope with the thousands of people who have streamed into the United States.

Most of these individuals have requested political asylum after they have reached the United States. Under existing law, an asylum request initiates a specific administrative and judicial process which can take years to conclude if every appeal right is exercised and if the individual seeking asylum is determined to exploit every conceivable avenue that the law currently allows to be explored in the asylum process.

The problem that we have, Mr. President, is that the U.S. political asylum process was designed to accommodate a single, unique circumstance. It was never designed to accommodate tens of thousands of requests made by individuals who clearly do not meet the threshold test of political asylum, "* * * a well founded fear of persecution * * *" in their homeland.

Most of the refugees appearing in south Texas and requesting political asylum have had to pass through one or more countries in order to get to the United States and make their asylum claims. If they were truly fleeing political oppression, it would seem

as though they would either be applying for asylum in one of the nations that they must pass through in order to reach the United States or that they would exercise their right to apply for refugee status before reaching the United States.

However, neither of these options would provide the benefits that can be obtained by actually reaching the United States and making the asylum claim. In many cases, once the asylum process has begun, the potential asylee is free to travel throughout the United States, obtain a job, and either begin the process of assimilation or begin working the legal process as I have described.

President Bush and Attorney General Thornburgh have moved to control the situation in south Texas by sending additional Border Patrol and Immigration and Naturalization Service personnel to the area. The INS is detaining political asylum applicants and this policy has already resulted in a dramatic reduction in the number of individuals requesting political asylum. These administrative procedures have had their intended effect but, in my opinion, we need a permanent, legislative solution as well.

In order to close this loophole, I am introducing legislation which will mandate that individuals seeking asylum in the United States who come from North, Central or South American nations and who have traveled through a third nation, a so-called safe haven country, on their way to the United States, must file their application for asylum while they are in the safe haven nation.

In other words, I propose to restrict the processing of political asylum requests made in the United States by individuals who have had an opportunity to make such a request before they actually arrive here. Such requests could be made at U.S. Embassy or consular facilities or perhaps at sites which the State Department may wish to designate for such purposes.

The bill provides for expedited exclusion and deportation proceedings for those who violate the new asylum request procedure.

By closing this loophole in this manner, we will still be able to protect those who are fleeing oppression and have a legitimate fear for their safety but we will thwart those who would bend the system to their own designs.

I encourage my colleagues to review this proposal and work to ensure its swift enactment. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 474

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Political Asylum Application Reform Act of 1989".

SEC. 2. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158(a)) is amended—

(1) in subsection (a), by striking out "(a) The" and inserting in lieu thereof "(a) Except as provided in subsection (d), the"; and

(2) by adding at the end thereof the following new subsection:

"(d)(1) No claim for asylum by any alien entrant in the United States may be adjudicated except on the limited grounds of paragraph (2) if the alien—

"(A) is a native of a country in North, South, or Central America; and

"(B) who—

"(i) had the opportunity in a safe haven country to file an application (or maintain an application previously filed) for refugee status in the United States; and

"(ii) either (I) did not file or maintain an application in any safe haven country or (II) filed or maintained an application and refugee status was denied or a decision on refugee status was pending on the date of the alien's entry into the United States.

"(2)(A) For each alien applying for asylum in the United States, an immigration officer shall make an initial determination as to whether such alien is ineligible for asylum under paragraph (1). The burden of proof is on the alien to demonstrate that he is not ineligible for asylum under paragraph (1).

"(B) If the immigration officer determines such ineligibility, then the alien shall be excluded or deported from the United States. The decision of the immigration officer is final, conclusive, and not subject to administrative appeal or judicial review. A denial of a claim of asylum under this subsection shall also be treated as a denial of a request for withholding of deportation under section 243(h).

"(3) Any alien excluded or deported from the United States under paragraph (2) may file, without prejudice, an application in a safe haven country for refugee status in the United States.

"(4) For purposes of paragraph (1), an alien shall be deemed to have had the opportunity in a safe haven country to file an application (or maintain an application previously filed) for refugee status in the United States if—

"(A) the alien transited or resided in that country before the alien's entry into the United States; and

"(B) the alien was not—

"(i) in the custody of governmental authorities for the duration of the alien's stay in that country; or

"(ii) on board a vessel or air carrier which did not disembark passengers in that country.

"(5) The Attorney General and the Secretary of State shall prescribe such regulations as may be necessary to carry out this subsection.

"(6) It is the sense of the Congress that the President should take into account the number of asylum claims denied under paragraph (2) in making his determination of refugee admissions for a fiscal year pursuant to section 207(a) of the Immigration and Nationality Act.

"(7) For purposes of this subsection—

"(A) the term 'alien entrant in the United States' means an alien—

"(i) who—

"(I) was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act;

"(II) is the subject of exclusion or deportation proceedings under the Immigration and Nationality Act; or

"(III) was not lawfully admitted to the United States and has an application for asylum pending with the Immigration and Naturalization Service; and

"(ii) with respect to whom a final, nonappealable, and legally enforceable order of exclusion or deportation has not been entered; and

"(B) the term 'safe haven country' means a country (other than the country of the alien's nationality or, in the case of an alien having no nationality, a country other than the country of the alien's last habitual residence) with which the United States has consular relations.".

SEC. 3. APPLICABILITY OF PROVISIONS.

The amendments made by subsection (a) shall apply to aliens entering the United States on or after the date of enactment of this Act.

By Mr. SIMON:

S. 475. A bill to authorize a certificate of documentation for a vessel; to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION OF A VESSEL

● Mr. SIMON. Mr. President, I rise today to introduce legislation that would grant a waiver for documentation of a vessel located in Illinois. The vessel is operated on Lake Michigan by Margaret Montvid, a licensed U.S. merchant marine captain, and her husband. The Montvids' daughter purchased the vessel for $30,000 with the understanding that it would be eligible for redocumentation for a Great Lakes Trade Endorsement in time for the start of the coho salmon season starting in April last year.

Title 46, United States Code, together with the Jones Act, requires that vessels engaged in domestic coastwide trade be built and documented in the United States. These laws apply to all vessels irrespective of size or intended use. Furthermore, these provisions of law permanently terminate the coastwise privileges for U.S. built vessels that are later sold to foreign citizens. The owner must be able to provide all the documents establishing U.S. manufacture and U.S. citizenship of the builder and each individual in the chain of ownership.

Nancy Ann, official number 901962, was listed in the Boat Manufacturer's guide as a Baja 31 Fisherman built in 1975 by the Southampton Marine Co. in Berlin, NJ. This company went out of business in 1975, and the manufacturer's agent, Premier Sport's Marine, a disadvantaged business enterprise cannot be located. The boat has had 11 owners and documentation is missing for only 2 including Premier Sport's Marine. Marine Loan Security sent certified letters to all the others, but it was only after repeated phone

calls by Mrs. Montvid, that many of these previous owners responded.

Now, over a year after the boat was purchased and the Montvids invested an additional $15,000 in *Nancy Ann* for instrumentation and fishing equipment, this legislation will permit them to join other commercial charter operators at the new Northpoint Marina ner Zion, IL.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Notwithstanding sections 12105, 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation for the vessel Nancy Ann, United States official number 901962.●

By Mr. SIMON:

S. 476. A bill to increase the number of refugee admission numbers allocated for Eastern Europe/Soviet Union and East Asia; to the Committee on the Judiciary.

REFUGEE EMERGENCY ADMISSIONS ACT

● Mr. SIMON. Mr. President, I rise to introduce legislation on a matter not of concern not only in my home State, but throughout the world. I am referring to the inability of our Government to accommodate the needs of persecuted religious minorities from the Soviet Union and Eastern bloc nations.

I, as well as many of my colleagues, have become increasingly concerned about the refugee situation in Rome and Vienna involving Soviet Jews, Poles, and others fleeing persecution in that part of the world. Neither the State Department nor the Immigration and Naturalization Service seem adequately prepared to process the increasing numbers and I am disturbed that the President has yet to propose additional visa numbers and funding to the Congress.

What otherwise would be a historic opportunity for freedom for tens of thousands is turning into a bureaucratic nightmare. The available details about INS processing of refugee applications in Rome, as well as projections for future flows, dictate that immediate action be taken.

Today, therefore, I am introducing legislation requiring the President to increase our refugee admissions numbers by 39,000 for this fiscal year. The 39,000 admissions will be allocated for 25,000 Soviet refugees and 7,500 Eastern European refugees. In addition, my legislation will restore the visa numbers for Southeast Asian refugees which the President reallocated as an emergency measure in anticipation of this crisis. I share the belief of many of my friends in the Jewish community that we should not balance this crisis on the backs of Southeast Asian refugees or any other refugees.

We are in danger of losing a historic opportunity for freedom for Soviet Jews. I believe my legislation is a first step to enable us to fully address their needs and give us time for more long-term workable solutions. I urge my colleagues to join me.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 476

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

SECTION 1. INCREASE IN REFUGEE ADMISSIONS FOR EASTERN EUROPE/SOVIET UNION AND FOR EAST ASIA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President shall, in addition to the worldwide refugee admissions determined by the President for fiscal year 1989, increase such number by 39,000 refugee admission numbers, to be allocated as follows:

(1) 25,000 numbers shall be allocated for Soviet refugees.

(2) 7,500 numbers shall be allocated for Eastern European refugees.

(3) 5,000 numbers shall be allocated under the Orderly Departure Program for East Asian refugees.

(4) 1,000 numbers shall be allocated for first asylum refugees from East Asia.

(5) 500 numbers shall be allocated for refugees from the Near East and South East.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to provide assistance necessary for the admission of refugees under subsection (a).●

By Mr. MACK (for himself and Mr. GRAHAM):

S. 477. A bill to require the use, in Federal formula grant programs, of adjusted census data, and for other purposes; to the Committee on Governmental Affairs.

FAIR SHARE ACT

● Mr. MACK. Mr. President, today I am introducing legislation to ensure that Federal funds are channeled back to States in the manner reflecting the intent of Congress. The Fair Share Act of 1989 would ensure that Federal funds to States are allocated in accordance with population counts based on the most recent available data, instead of outdated population estimates.

All we need to do is require the various agencies of the Federal Government to use data which is currently published by the Bureau of the Census. Annual updates are already generated by Census and the agencies, of course, routinely calculate State allocations of Federal funds. It's just a matter of requiring the agencies to plug in the most recent data into their formulas.

Right now, agencies pursue a random and somewhat haphazard way of allocating Federal funds. Some agencies use annual updated census figures; some use only old decennial census data; some generate their own data; and some use various figures for various programs.

The General Accounting Office has published a study in 1987 showing 51 Federal grants programs that use decennial census data in allocating funds to States. America is an increasingly mobile society. Federal grant programs based on population should reflect this mobility. Not considering this mobility means that States with growing populations, such as those in the Sun Belt, are unfairly penalized.

My home State of Florida had a population of 9,746,324 in 1980. By 1988, Florida's population had grown to 12,377,000—an increase of 26 percent. In 1987, Florida had become the fourth largest State in the Nation. To ignore Florida's dramatic population growth in the last 8 years is to defy the intent of Congress when it initiated these population-based grant programs. These are dollars which are not only much needed by the State, but funds which should be returned to Florida, according to Congress, the result is that Floridians see far fewer of their tax dollars returned to them than they should.

It is not necessary to use old population data. We have annual population updates produced by the Bureau of the Census every July that are automatically distributed to every agency in the Government. No one questions the reliability of these updates. It just makes good sense to use them. Many Federal program administrators already use these updates. All programs should use them.

Mr. President, I would like to cite the findings of a report released by the Sun Belt Institute. The research, conducted by Dr. Bernard Weinstein, is extremely illuminating. Dr. Weinstein's analysis reaches three important conclusions:

First, since 1950, the Sun Belt's share of Federal grants has fallen dramatically while the position of other regions has improved.

Second, this shift has exacerbated, not improved, economic dislocations affecting much of the Sun Belt.

Third, the reason for the regional imbalance is clearly biased and misdirected Federal formula grants, and a steady flow of Federal procurement dollars to States outside of the Sun Belt.

The legislation I am introducing today will not solve all of the problems linked to Federal funding and population shifts. But it will address the part of the problem easiest to solve. We can

and should eliminate the gross distortions in Federal allocations to States resulting from the use of outdated population figures. I am also asking the General Accounting Office to update their study of grant formulas with special attention to this problem.

The Fair Share Act of 1989 which I am introducing today also includes an important safety feature: The Office of Management and Budget would be required to compile a list of all Federal grant programs that use decennial census data. When the law's requirement for the use of annual updates kicks in, OMB could grant a waiver for a program where use of such an update would be inappropriate.

I would like to urge my colleagues to support the Fair Share Act of 1989.●

By Mr. DODD (for himself, Mr. PELL, Mr. HATCH, Mr. KENNEDY, Mr. MATSUNAGA, Mr. SIMON, Mr. COCHRAN, and Mr. CHAFEE):

S. 478. A bill to provide Federal assistance to the National Board for Professional Teaching Standards; to the Committee on Labor and Human Resources.

NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS ACT

● Mr. DODD. Mr. President, today I am introducing legislation to provide $25 million over 3 years to the National Board for Professional Teaching Standards for the research and development of equitable and comprehensive methods of assessment for the voluntary certification of teachers. I am pleased to have my colleagues, Senators PELL, HATCH, KENNEDY, MATSUNAGA, SIMON, COCHRAN, and CHAFEE join me today as cosponsors of this legislation.

The nonprofit Board for Professional Teaching Standards was created in 1987, pursuant to the recommendations of the Carnegie Forum outlined in "A Nation Prepared: Teachers for the 21st Century." The board, chaired by James B., Hunt, Jr., former Governor of North Carolina, has designed the voluntary certification process to parallel, and not conflict with or replace, State licensing. Two-thirds of the members of the national board are from the teaching profession and one-third from State and local government and school administration. The voluntary nature of the certification process would give teachers the option of participation. I am joined by nearly every segment of the education community in support of the board.

Why should we provide Federal funds to a private organization to establish a national board for teacher certification? The answer lies in the educational challenge facing America today.

We are adopting an unusual approach because of the unusual problem. As our Nation strives to develop an educational system that will enable us to compete in the increasingly competitive international marketplace, more than a few obstacles stand in the way of educational excellence. Our problems are myriad. Thirty percent of our youth are dropping out of school. On a recent international test, U.S. students scored far below those of our economic competitors on math and science problems. School districts around the Nation are facing shortages of math, science, and foreign language teachers. It is also estimated that as many as two-thirds of active teachers will be retiring by the year 2000. Furthermore, schools are tackling such complex problems as drugs, teenage pregnancy, and violence.

The private sector is already feeling the pinch of fewer and fewer workers skilled to fill job openings. States with the lowest unemployment rates, like Connecticut, are struggling to fill vacancies within their companies. With over 50 percent of mothers with young children working and one out of four children living in poverty, schools today are required to do more than teach. Many, State and local governments are committed to meeting the educational challenges of the next decade, but in light of the severity of the problems, they are also encouraging Federal and private initiatives to assist their efforts.

With these challenges in mind, we need to consider the advantages of private efforts to help bolster the educational system. The responsibility of educating our Nation's youth is not solely the responsibility of our schools. It is essential that the private sector contribute to the education and training of our Nation's youth. The National Board for Professional Teaching Standards is a unique example of a private sector initiative aimed at doing just that.

The national certification board attempts to enhance the quality of teaching by setting a high national standard of teaching excellence. The board's focus on teachers is unique. It recognizes that teachers are the backbone of our schools. It recognizes that they are faced each day with the challenge to motivate and teach our youth. A voluntary certification process would provide national continuity and respect to the teaching force. It would give teachers a means of distinguishing their ability at a national level and emphasize the national concern for quality teaching.

Now that I have painted a grim, but realistic picture of the challenges facing our educational infrastructure and the important role of teachers, let me point to the utility of a national certification process. First, it would complement the efforts on behalf of Federal, State, and local governments to strive for education excellence. It is a well-known fact that our educational system needs bolstering. The board's efforts to identify high standards of teaching and recognize those teachers who meet those standards, would be most beneficial to enhancement of our educational system.

Second, the board would reinforce the need for school systems to attract and keep quality teachers. For too many years, we have neglected to give teachers the respect they deserve. And, the nature of the marketplace and the conditions of our educational system make the need for qualified and committed teachers greater today than ever before.

Third, the board's research conducted on assessment techniques would be a valuable resource to States considering changes in their licensing exams.

Additionally, the same research would be available to graduate and undergraduate teacher education programs. Such programs would be able to utilize assessment techniques for the development of course work for new teachers.

While the board will operate privately, outside the realm of the Federal, State, and local commitment to education, a contribution from the Federal Government to the research and development of the methods of assessment will help the board establish the certification process by 1993. My legislation would help assure that the assessment methods used to qualify teachers for certification are thorough and fair. The bill does not provide assistance for administrative costs. The legislation also requires that the Federal funds be matched dollar for dollar by the funds raised privately by the board.

In closing, a national certification will give teachers a set of national standards they can use to gain well-deserved recognition and respect for their abilities. I believe it would help raise teaching standards, performance, and pay, and thus improve the effectiveness and quality of teaching. The assessment techniques would provide more uniform national criteria for States to use in the upgrading of licensing standards and teacher education programs. It would also provide uniform measurement techniques for school districts to use in developing new hiring and promotion standards. Taken together these reforms would help schools to attract the best and the brightest applicants to teaching by raising the visibility and rewards of the profession.

Priority for use of the Federal funds would be given to research and development activities in mathematics, the sciences, foreign languages, and literacy. And, the board would be asked to give priority to projects which will improve the knowledge and ability of teachers that work with students of limited English proficiency, the talented and gifted, and handicapped, and

those who are economically and educationally disadvantaged.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 478

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

SECTION 1. SHORT TITLE.

This Act shall be cited as the "National Board for Professional Teaching Standards Act of 1989".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the economic well-being and national security of the United States depends on efforts to strengthen the educational system to provide all children with an education which will ensure a well-educated workforce;

(2) improved teaching is central to the goal of ensuring a well-educated workforce;

(3) incentives to enhance the professionalism and status of teaching can be provided through the development and promulgation of voluntary standards of professional certification that are rigorous and unbiased, that complement and support State licensing practices and recognize the diversity of American society;

(4) the National Board for Professional Teaching Standards, a private nonprofit organization has been created to establish such voluntary standards and a significant initial investment in research and development from non-Federal sources will be required to create such a system of professional certification; and

(5) the Federal Government has played an active role in funding vital educational research and can continue to support this national effort by providing limited but essential support for critical research activities.

(b) PURPOSE.—It is the purpose of this Act to provide financial assistance to the National Board for Professional Teaching Standards to enable the board to conduct independent research and development related to the establishment of national, voluntary professional standards and assessment methods for the teaching profession.

SEC. 3. DEFINITIONS.

For the purpose of this Act—

(1) The term "Board" means the National Board for Professional Teaching Standards.

(2) The term "Committee" means the Research and Advisory Committee established pursuant to section 5 of this Act.

(3) The term "elementary school" has the same meaning given that term in section 1471(8) of the Elementary and Secondary Education Act of 1965.

(4) The term "secondary school" has the same meaning given that term in section 1471(21) of the Elementary and Secondary Education Act of 1965.

(5) The term "Secretary" means the Secretary of Education.

SEC. 4. PROGRAM AUTHORIZATION.

(a) PROGRAM AUTHORIZED.—From sums appropriated under subsection (b) in any fiscal year, the Secretary is authorized and directed, in accordance with this Act, to provide financial assistance to the National Board for Professional Teaching Standards, in order to pay the Federal share of the costs of the activities described in section 6.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $25,000,000 for the period beginning October 1, 1989, and ending September 30, 1992.

(c) TERMS AND CONDITIONS.—(1) No financial assistance may be made available under this Act except upon an application as required by section 7.

(2) No financial assistance may be made available under this Act unless the Secretary determines that—

(A) the Board will comply with the provisions of this Act;

(B) the Board will use the Federal funds only for research and development activities in accordance with section 6 and such teacher assessment and certification procedures will be free from racial, cultural, gender or regional bias;

(C) the Board—

(i) will widely disseminate for review and comment announcements of specific research projects to be conducted with Federal funds, including a description of the goals and focus of the specific project involved and the specific merit review procedures and evaluation criteria to be used in the competitive award process, and

(ii) will send such announcements to the Secretary of Education, the Director of the National Science Foundation, the National Research Council, and the educational research community.

(D) the Secretary, pursuant to an arrangement with the Board, will publish the announcements described in subparagraph (C) in the Federal Register (or such other publication deemed appropriate by the Secretary) and in publications of general circulation designed to disseminate such announcements widely to the educational research community;

(E) the Board will, after offering any interested party an opportunity to make comment upon, and take exception to, the projects contained in the announcements described in subparagraph (C) for a 30-day period following publication, and after reconsidering any project upon which comment is made or to which exception is taken, through the Secretary issue a request for proposals in the Federal Register (or such other publication deemed appropriate by the Secretary) containing any revised project information;

(F) the Board will make awards of Federal funds competitively on the basis of merit, and, in the award process, the Board will select, to the extent practicable consistent with standards of excellence—

(i) a broad range of institutions associated with educational research and development; and

(ii) individuals who are broadly representative of the educational research and teaching communities with expertise in the specific area of research and development in question;

(G) the Board will adopt audit practices customarily applied to nonprofit private organizations and will comply with section 9(c);

(H) the Board will not use Federal funds to meet the administrative and operating expenses of the Board;

(I) the Board will submit an annual report to Congress in accordance with the provisions of section 9(a); and

(J) the Board will, upon request, disseminate to States, local educational agencies, or other public educational entities the results of any research or research project produced with funds authorized by this Act, upon the payment of the cost of reproducing the appropriate material.

(d) AVAILABILITY OF FUNDS.—(1) Notwithstanding any other provision of law, funds appropriated to carry out this Act shall remain available for obligation and expenditure until the end of the second fiscal year succeeding the fiscal year for which the funds were appropriated.

(2) No funds shall be made available to the Board after September 30, 1992, except as authorized by paragraph (1) of this subsection.

SEC. 5. RESEARCH AND DEVELOPMENT ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Board shall establish a Research and Development Advisory Committee composed of ten recognized scholars and experts in teaching, assessment, and other relevant fields. In carrying out the previous sentence the Board shall appoint two individuals selected by the Secretary. The Board shall consult with the Secretary of Education, the Director of the National Science Foundation, the National Research Council, and the educational research community on the appointment of other Members to the Committee.

(b) FUNCTIONS.—The Committee shall advise the Board on the design and execution of its overall research and development strategy, including procedures to assure compliance with the requirements of this Act. The procedures shall include—

(1) an outline of specific research and development agenda and activities to be conducted with the Federal funds; and

(2) provisions to ensure compliance with the open competition and merit review requirements of this Act for proposals and projects assisted under this Act.

SEC. 6. AUTHORIZED ACTIVITIES.

(a) IN GENERAL.—Federal funds received under this Act may only be used for research and development activities directly related to the development of teacher assessment and certification procedures for elementary and secondary school teachers.

(b) PRIORITIES.—(1) The Board shall give priority to research and development activities in—

(A) mathematics;

(B) the sciences;

(C) foreign languages; and

(D) literacy, including the ability to read, write and analyze.

(2) The Board shall give priority to research and development activities for the certification of elementary and secondary school teachers and the need and ability of such teachers to teach special educational populations, including—

(A) limited English proficient children;

(B) gifted and talented children;

(C) handicapped children; and

(D) economically and educationally disadvantaged children.

SEC. 7. APPLICATION.

(a) IN GENERAL.—The Board shall submit applications to the Secretary at such time and in such manner as the Secretary may reasonably require. Each such application shall—

(1) describe the activities for which assistance is sought; and

(2) provide assurances that the non-Federal share of the cost of activities of the Board is paid from non-Federal sources, together with a description of the manner in which the Board will comply with the requirements of this paragraph.

(b) APPROVAL.—The Secretary shall approve an application unless such application fails to comply with the provisions of this Act.

SEC. 8. FEDERAL SHARE.

(a) IN GENERAL.—The Secretary shall pay to the Board the Federal share of the costs of the activities of the Board for the period for which the application is approved under section 7.

(b) AMOUNT OF FEDERAL SHARE.—The Federal share shall be 50 percent of the costs of the activities described in section 6.

SEC. 9. REPORTS AND AUDITING PROVISION.

(a) NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS REPORT.—(1) The Board shall submit an annual report to the appropriate committees of the Congress not later than December 31 of 1990, and each succeeding year thereafter for any fiscal year in which Federal funds are expended pursuant to this Act. The Board shall disseminate the report for review and comment to the Department of Education, the National Science Foundation, the National Research Council, and the education research community. The report shall—

(A) include a detailed financial statement and a report of the audit practices described in section 4(c)(2)(G);

(B) include a description of the general procedures to assure compliance with the requirements of this Act as required in section 6; and

(C) provide a comprehensive and detailed description of the Board's agenda, activities, and planned activities for the preceding and succeeding fiscal years, including—

(i) the Board's overall research and development program and activities;

(ii) the specific research and development projects and activities conducted with Federal funds during the preceding fiscal year, including—

(I) a description of the goals and methodology of the project;

(II) a description and assessment of the findings (or status and preliminary findings if project is not yet completed);

(III) a description of the competitive bidding process, the merit review procedures, and the evaluation criteria used to award project funds; and

(IV) a description of the Board's plans for dissemination of the findings described in clause (ii);

(iii) the specific research and development projects and activities planned to be conducted with Federal funds during the succeeding fiscal year, including the goals and methodologies to be used; and

(iv) a listing of available publications of the Board, including publications related to policies, standards and general information, research reports, and commissioned papers of the Board.

(2) The first annual report required by this subsection shall include a description of the Board's research and development agenda for the succeeding 5-year period. Such first report shall include to the maximum extent practicable, a description of specific research and development projects and activities, and the goals and methodologies of such projects and activities.

(b) ADDITIONAL REPORTS.—The Department of Education, the National Science Foundation, and the National Research Council shall report to the appropriate committees of the Congress on the compliance of the Board with the requirements of this Act not later than 30 days after the Board submits its annual report pursuant to subsection (a).

(c) AUDITING PROVISION.—The Comptroller General of the United States, and any of his authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the Board, and to any recipient of the Board, that is pertinent to the sums received and disbursed under this Act.

SEC. 10. CONSTRUCTION.

Nothing in this Act shall be construed to—

(1) establish a preferred national curriculum or preferred teaching methodology for elementary and secondary school instruction;

(2) infringe upon the rights and responsibilities of the States to license elementary and secondary school teachers;

(3) provide an individual certified by the Board with a right of action against a State, local educational agency, or other public educational entity for any decisions related to hiring, promotion, retention or dismissal; or

(4) authorize the Secretary to exercise supervision or control over the research program, standards, assessment practices, administration, or staffing policies of the Board.●

● Mr. PELL. Mr. President, I am very pleased to join my colleague, Senator DODD, in introducing the National Board for Professional Teaching Standards Act. This legislation is the reintroduction of legislation we introduced last Congress with a few minor changes.

Mr. President, as I indicated last year, no issue in education today is more critical to educational excellence than that of teacher recruitment and retention. The quality of education in each school, in each school district, in each State, and in this country will reach only as far as the quality of our teachers. Yet with respect to the teacher supply, we face two critical problems: quantity and quality.

Estimates indicate that by the end of the next decade, close to 50 percent of the current teaching force will no longer be in the profession. This projection is largely based on the fact that many current teachers are soon due to retire. But it is also due to the fact that current teachers, young teachers, or teachers new to the profession experience extreme job dissatisfaction and find few incentives to remain in teaching.

The other troubling issue with respect to teacher recruitment is that of quality. The most talented of our college graduates seek careers other than teaching. Low pay, long hours, and little recognition offer them virtually no incentive to become teachers.

The legislation we are introducing today seeks to address this alarming situation by injecting one of the most undervalued professions in this country with a strong dose of professionalism. Our bill would provide $25 million over 3 years for research and development carried out by the National Board for Professional Teaching Standards to develop a national certification program for teachers.

Such a certification will establish a national standard of excellence for teachers to demonstrate they have met. The research and development required for this undertaking will be massive. Great care must be taken to develop assessments that will evaluate the teacher as a whole—to evaluate subject mastery and knowledge, and to assess the ability to translate that knowledge to the student, from the gifted and talented to the educationally disadvantaged. This is particularly difficult because these assessments must also be carefully constructed to allow no room for bias or favoritism.

Board certification will require the development of assessments in basic academic areas such as English, mathematics, science, and social studies. In addition, it will require assessments in biology, chemistry, and physics. It will require separate tests for elementary school teachers and for secondary school teachers.

This considerable project will take 3 to 5 years to complete and it is estimated that the total cost will be in the neighborhood of $50 million. In that regard, it is very significant that the Board has agreed to match, dollar for dollar, the Federal contribution of $25 million.

Once these assessments are developed, teachers will be able to sit for national certification. Certification will be strictly voluntary, and we have included specific legislative language to that effect.

Support for the National Board for Professional Teaching Standards is an important investment in upgrading the prestige of teaching. It offers teachers independent and indisputable confirmation of their ability. But its most fundamental contribution is that it will establish a professional standard for teachers, much like those that exist for lawyers and physicians.

Mr. President, the legislation we are introducing today begins our long journey toward ensuring that teaching is an honored and valued profession. It is by no means a cure-all, but it is an important beginning. Its undertaking is essential, for we must face the simple reality that we cannot continue to demand much from our teachers but offer little in return.

It is with this in mind that I commend this legislation to my colleagues and hope that they will join us in its active support.●

By Mr. HELMS:

S.J. Res. 66. Joint resolution to designate the third week of June 1989 as "National Dairy Goat Awareness Week"; to the Committee on the Judiciary.

NATIONAL DAIRY GOAT AWARENESS WEEK

Mr. HELMS. Mr. President, I am today offering Senate Joint Resolution 66 to designate the third week of June as "National Dairy Goat Awareness Week," and I ask that the resolution be appropriately referred.

Last year when I offered a similar resolution, there was a modicum of hooting and jeering by some elements of the news media. But the derision disclosed more about the news media than they realize. For one thing it showed a high degree of ignorance about the dairy goat industry in the United States.

For more than 7,000 years, dairy goats have supplied mankind with food and shelter. Dairy goats were an important part of the necessities that the early settlers brought to these shores. As pioneers moved across this land, dairy goats went with them. These animals have always been a part of the typical American farm in every region of the United States. Today there are over 250,000 dairy goats in this country.

Mr. President, while goat milk, ice cream, and yogurt are sold in many parts of the United States, the best known goat milk product is goat cheese or chevre. During the last decade, the number of domestic producers of chevre has increased dramatically; this has been due to a growing demand for American-made goat cheeses in both domestic and foreign markets. Increasing sales of American-made dairy goat products, especially cheeses, replaces imports and helps cut the U.S. trade deficit.

These facts are well known to dairy goat breeders, but few consumers are aware of the role played by the dairy goat in the American economy. Passage of this resolution expressing the sense of the Senate that the week commencing June 11, 1989, and ending June 19, 1989, is recognized as "National Dairy Goat Awareness Week," will do much to educate the American people—and perhaps some in the news media—to the potential of the dairy goats and their products.

I was happy to offer this resolution last year in coordination with the distinguished chairman of the House Agriculture Committee, Mr. DE LA GARZA, who will join me in attesting that the 1988 "National Dairy Goat Week" was a fine success. I'm confident this year's will be even more productive.

Mr. President, I ask unanimous consent that the text of Senate Joint Resolution 66 be printed in the RECORD.

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

S.J. RES. 66

Whereas American goat cheeses are in demand by the American consumer and are replacing foreign imported cheeses;

Whereas due to the efficiency of the modern American dairy goat, which produces an excellent healthful milk, the dairy goat is becoming increasingly popular and useful on the family farm;

Whereas the American farmer has developed a dairy goat that produces superior milk and that is desired and exported worldwide; and

Whereas there is a need to further educate the American consumer as to the high nutritional value of products made from goats' milk; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the period beginning the second Saturday, and ending the third Saturday, of June of 1989, is designated as "National Dairy Goat Awareness Week"; and

(2) the President of the United States is authorized and requested to issue a proclamation calling on the people of the United States to commemorate such week with appropriate programs, ceremonies, and activities.

By Mr. DOMENICI (for himself, Mr. ADAMS, Mr. BINGAMAN, Mr. BOND, Mr. BURNS, Mr. CHAFEE, Mr. COATS, Mr. COHEN, Mr. CONRAD, Mr. DOLE, Mr. DURENBERGER, Mr. FORD, Mr. GORE, Mr. HATFIELD, Mr. HOLLINGS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mr. LUGAR, Mr. METZENBAUM, Mr. PACKWOOD, Mr. ROBB, Mr. SASSER, Mr. SPECTER, and Mr. WILSON):

S.J. Res. 67. Joint resolution to commemorate the 25th anniversary of the Wilderness Act of 1964 which established the National Wilderness Preservation System; to the Committee on Judiciary.

TWENTY-FIFTH ANNIVERSARY OF THE ENACTMENT OF THE WILDERNESS ACT

Mr. DOMENICI. Mr. President, I am going to send to the desk shortly a resolution to commemorate the 25th anniversary of the Wilderness Act of 1964. I am very pleased that 24 U.S. Senators, almost equally divided from both sides of the aisle, including my colleague, Senator BINGAMAN, have joined me in proposing this resolution to the U.S. Senate. When I am completed, it would please me if the Chair would refer the resolution to the appropriate committee of the U.S. Senate.

When Congress passed the Wilderness Act, which President Lyndon Johnson signed into law on September 3, 1964, the United States charted a course like that of no other in the history of nations. We permanently set aside for the American people areas of wild land where the forces of nature predominate and man is a visitor who does not remain.

Vast wilderness was our heritage from the time people first came to the shores of our country. A free and spirited nation was build in this new land. Establishing our great Nation required that some of the wild places be settled and some of the wilderness bounty be used. Freedom to pursue private enterprise was one of the driving forces in our growth. Mining, ranching, timbering, farming, and related land developments contributed to our welfare, our economy, and our independence. Freedom to roam unhindered through wild, pristine stretches of land helped shape our character. Conflicts arose as the population and stature of our Nation grew. From differing views our land ethic evolved. The creation of National Forests, National Parks, and National Wildlife Refuges was a first step as good stewards toward protecting our original inheritance.

Still, we had fewer wild areas as more land was settled and put to use to meet the needs of our Nation. At the same time our land ethic continued to develop. In the past wild areas were often viewed as places to be feared and conquered. But, that has changed. Wilderness has been vital to our Nation's success. As more wild areas disappeared, wilderness came to be viewed as a resource that must not be entirely consumed. Discussions focussed on the need to retain some areas in a natural state.

A landmark demonstration of these discussions occurred in New Mexico. The Forest Service, acting on its own administrative discretion in 1924, designated the first wilderness in the United States—the Gila Wilderness in southwestern New Mexico. This effort was pioneered by Aldo Leopold, who at the time worked for the Forest Service in New Mexico. Across the country other administrative designations followed.

Statutory protection for America's wilderness heritage came in 1964, with the passage of the Wilderness Act. Wilderness would be preserved. Wild, natural areas would always be there for future generations. The National Wilderness Preservation System, created by the act, was endowed originally with 54 wilderness areas covering approximately 9 million acres in 13 States. Congress has since expanded the Wilderness System to 474 units covering more than 90.1 million acres in 44 States.

We need to commemorate our Nation's accomplishment. Wilderness is a cultural heritage. Preserving it has been no small task. Decades of work by dedicated individuals, organizations, agencies, and Congress have been invested in balancing different viewpoints. Many people stand out in that effort; they all deserve credit. I have already mentioned Aldo Leopold. Being from New Mexico I want to mention another individual that means a lot to New Mexicans—Senator Clinton P. Anderson.

The late Senator Anderson, whom I was honored to succeed in the Senate, worked with others for many years in forging our Nation's original wilderness legislation. He became acquainted with the idea of wilderness preservation in personal conversations with Aldo Leopold in the 1920's. On January 14, 1963, Senator Anderson introduced S. 4 in the 88th Congress. He chaired the Committee on Interior and Insular Affairs to which the bill

was referred. It was this bill that became the Wilderness Act of 1964.

We are proud of his contribution which meant so much to New Mexico and our Nation. There are now 24 wilderness areas in New Mexico with the potential for many more. It has been my honor to be involved as a Senator in the creation of 18 of those areas.

The complexities of balancing differing viewpoints on public policy means that our work is not done. Wise use of natural resources is the only way we know of for the people of a nation to thrive and remain strong.

Theodore Roosevelt once made a statement that serves as a good reminder. He said:

> No country can long endure if its foundations are not laid in deep material prosperity which comes from thrift, from business energy and enterprise, from hard unsparing effort in the fields of industrial activity; but neither was any nation ever yet truly great if it relied upon material prosperity alone.

Certainly, multiple-use of our Federal lands is vital. But, just as certainly we will protect our wilderness heritage.

Mr. President, in conclusion let me recall a quote by Senator Clinton Anderson. In 1961 he stated:

> Like our museums and our art galleries, our wilderness areas may at any given time be visited by a relatively small percentage of people, yet they are available to any who will use them, part of our cultural resource as well as our national heritage. We should regard them as such and cherish them.

This year we will continue to work together on wilderness questions. I encourage us to do something else this year. Let us take time to commemorate the 25th anniversary of the Wilderness Act. To this end I am introducing a joint resolution. Several of my colleagues have already cosponsored the resolution. I urge the rest of my colleagues to join me by doing the same.

Mr. President, the passage of the Wilderness Act in September of 1964 was indeed a signficant conservation act by these United States. That act was preceded decades before by some very natural and relatively easy actions. We had, in the past, created National Forests, National Wildlife Refuges; and we had created National Parks.

But a new idea came about and it was given birth in the State of New Mexico by a Forest Service expert named Aldo Leopold for whom a wilderness area in the State of New Mexico is named. As a matter of fact, the Gila Wilderness in New Mexico was the first designated wilderness in the United States. In 1924 before we officially created wilderness by statute as a nation, the Forest Service by administrative order, designated the Gila Wilderness because of the excellent ideas of Aldo Leopold.

Since that time, we have seen that, as our great Nation grows, as we move into areas that were indeed once wilderness, we tend to consume them. We either consume them for natural resources for the needs of our people or we impact them by human activity. The wilderness area is a concept that essentially says leave it just like it is; and, if you want to see it and use it, do so in a very careful way so that what nature gave us remains forever.

I am very pleased that since that time the wilderness concept originally caught on, and from an idea in the State of New Mexico ultimately sponsored here on the Senate floor and passed by the U.S. Senate under the sponsorship of my predecessor—Senator Clinton P. Anderson, wilderness areas have been designated in 44 of our States with significant momentum and rather broad-based support.

The basic concept of wilderness is mighty. It says: Keep it like the Almighty gave it to us; yet it says: Where you can, allow grazing in the area, because that is not inconsistent with grazing as it was in its natural state. You do both with reasonableness and you end up with the very best.

I know there are some who would think that wilderness areas may be a waste; there are some who think maybe we have carried it to an extreme. But, frankly, I am one who believes that, looking now on the history of our United States in many of our own backyards, when something as beautiful as American wilderness areas are abused, it is too late to save them. When we permit greed or reckless activity to take over, then there is nothing left of that which is natural—what we call wilderness.

Mr. President, we have a total of 24 Senators asking for a resolution appropriately indicating that this is the 25th anniversary of the Wilderness Act in the United States of America and that we ought to appropriately take note of the same. I hope that other Senators who have not had a chance to read my correspondence asking for their cosponsorship will do so, and I trust that before too long we will have substantially more than a majority in the U.S. Senate from both sides of the aisle supporting this.

Mr. President, I send the resolution to the desk and ask that the resolution be appropriately referred.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

Mr. BINGAMAN. Mr. President, I rise today to join Senator DOMENICI in cosponsoring this Senate joint resolution commemorating the 25th anniversary of the Wilderness Act of 1964. I would like to single out for congratulations the Wilderness Society, which for 54 years has been a leader in the preservation of our treasured wildlands.

New Mexicans have a long legacy of respect for America's precious wildlands. New Mexico is one of the great public lands States of the West and we in the land of enchantment pride ourselves for our role in helping preserve and protect these lands.

The Wilderness Act would not have been signed by President Johnson without the leadership of Senator Clinton P. Anderson, who authored the law. Anderson chaired the Senate Interior Committee and was the leader of what came to be called the Conservation Congress of the 1960's.

Southwestern New Mexico is home to the Gila Wilderness, the first wilderness area in the United States, which was administratively designated by the U.S. Forest Service in 1924. The late Aldo Leopold, a distinguished New Mexico conservationist, was the Forest Service employee who worked hardest for the designation of the Gila Wilderness. That wilderness served as my backdoor recreation area while I grew up in Silver City, New Mexico. I have spent many rewarding hours backpacking in the Gila.

Thanks to the Wilderness Act, the Gila and 473 other Wilderness units have been established in 44 States. Some 91 million acres are protected for future generations. While the Gila and other areas were protected administratively before 1964, the act was necessary to ensure protection forever. Administrative designation of wilderness was subject to the whims of everchanging administrations; the act is firm testimony to the national will to preserve pristine lands, regardless of who might be elected President.

The Wilderness Act is a landmark law that ensures preservation of special lands that provide valuable solitude, critical watershed, wildlife habitat and a legacy of our natural history. As the act says so well, "A wilderness * * * is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain."

The 25th anniversary of the act is well worth commemorating and I urge my colleagues to support this resolution.

Mr. BURNS. Mr. President, I am pleased to join with the Senator from New Mexico in the commemoration of the 25th anniversay of the Wilderness Preservation Act. Montana is proud of the significant contribution it has made to the protection of part of our public lands heritage in a natural condition. The act of 1964 designated five areas in Montana which amounted to almost 17 percent of the total set-aside in that milestone legislation. Today Montana has 3.5 million acres of designated wilderness, over 10 percent of the area designated in the lower 48 States.

While we commemorate our existing wilderness, I want to make it clear that I do not favor a great deal of additional wilderness in Montana. The voters were pretty clear in the election that they favor multiple use in the majority of the national forests. This is the position I will maintain in future negotiations.

One of the early proponents of an enduring system of wilderness, Bob Marshall, spent the early part of his career in Montana hiking the backcountry and strengthening his resolve that a portion of the land should be left in a primitive state. Marshall later, as Director of Recreation in the Forest Service, developed the standards of wilderness management that were incorporated in the 1964 act.

Senators Mike Mansfield and Lee Metcalf of Montana were tireless supporters of wilderness throughout the United States and they will be remembered because they helped form the legacy we salute today.

Montana is rich in scenic beauty, with an abundance of fish and wildlife species, and it also is the source of several major river systems. Montana public lands are also a source for timber products, for oil and gas and other important minerals, as well as a great deal of public recreation. We are pleased to share a portion in an undeveloped form, "where man is a visitor who does not remain."

Mr. REID. Mr. President, before the Senator from New Mexico leaves the floor, I wanted to ask permission of the sponsor of that resolution to allow me to affix my name to it. I have had a lot of experience in the last few years dealing with wilderness in Nevada in one beautiful, small wilderness area that was made part of the original Wilderness Act in 1964. It is called Jarbidge. It is an Indian name. It is in northern Nevada. We look forward this year to finally resolving the problem of wilderness designations in Nevada. I think we are well along the way. I have spoken to Senator MCCLURE and I hope to have that resolved in Nevada for the Forest Service wilderness areas.

I commend and applaud the senior Senator from New Mexico for the fine statement.

Mr. MCCAIN. Mr. President, I also ask that the Senator add my name as a cosponsor of his important resolution.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the two Senators who have requested be added as original cosponsors of the resolution.

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

By Mr. BYRD (for himself, Mr. ADAMS, Mr. BENTSEN, Mr. BINGAMAN, Mr. BURDICK, Mr. CONRAD, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. EXON, Mr. FOWLER, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. KERREY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. MATSUNAGA, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. NUNN, Mr. PELL, Mr. PRYOR, Mr. REID, Mr. ROCKEFELLER, Mr. SANFORD, Mr. SARBANES, Mr. SHELBY, Mr. CRANSTON, Mr. GRAHAM, Mr. BOND, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. D'AMATO, Mr. DANFORTH, Mr. DOLE, Mr. DOMENICI, Mr. GRASSLEY, Mr. HEINZ, Mr. HELMS, Mrs. KASSEBAUM, Mr. LUGAR, Mr. MCCLURE, Mr. MURKOWSKI, Mr. STEVENS, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. WILSON, and Mr. ROTH):

S.J. Res. 68, Joint resolution to designate the month of May 1989 as "Trauma Awareness Month"; to the Committee on the Judiciary.

TRAUMA AWARENESS MONTH

Mr. BYRD. Mr. President, I am introducing a resolution that would designate the month of May 1989 as "National Trauma Awareness Month." Last year, both the Senate and the House of Representatives adopted this resolution, and I am hopeful that again this resolution will be favorably considered by the Senate.

Trauma is the third leading cause of death among persons of all ages and is the leading cause of death for individuals under age 40.

The problem of trauma can be addressed through prevention and implementation of comprehensive emergency medical systems. It is a sad fact that the incidence of trauma continues to rise, and I believe that we need to draw the public's attention to the gravity of that traumatic injury problem in the United States. I hope that by passing this resolution, we can provide an important focus on a serious medical problem.

The resolution is being cosponsored, Mr. President, by 53 other Senators, and I welcome the cosponsorship of additional Senators whose names are not yet on the resolution.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

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

S.J. RES. 68

Whereas, more than eight million individuals in the United States suffer traumatic injury each year; and

Whereas, traumatic injury is the leading cause of death of individuals of less than forty years of age in the United States; and

Whereas, every individual is a potential victim of traumatic injury; and

Whereas, traumatic injury can occur without warning; and

Whereas, traumatic injury frequently renders its victims incapable of caring for themselves; and

Whereas, past inattention to the causes and effects of trauma has led to the inclusion of trauma among the most neglected medical conditions; and

Whereas, the people of the United States spend more than $110,000,000,000 annually on the problem of trauma; and

Whereas, the problem of trauma can be remedied only by prevention and proper treatment through emergency medical services and trauma systems; and

Whereas, the people of the United States must be educated in the prevention and treatment of trauma and in the proper and effective use of emergency medical services and trauma systems; now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1989 is designated as "National Trauma Awareness Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. CRANSTON, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 13, a bill to amend title 38, United States Code, to increase the rates of disability compensation and dependency and indemnity compensation for veterans and survivors, to increase the allowances paid to disabled veterans pursuing rehabilitation programs and to the dependents and survivors of certain disabled veterans pursuing programs of education, and to improve various programs of benefits and health-care services for veterans; and for other purposes.

S. 17

At the request of Mr. CRANSTON, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 17, a bill to direct the Consumer Product Safety Commission to promulgate fire safety standards for cigarettes and for other purposes.

S. 20

At the request of Mr. LEVIN, the names of the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 20, a bill to amend title 5, United States Code, to strengthen the protections available to Federal employees against prohibited personnel practices, and for other purposes.

S. 23

At the request of Mr. HUMPHREY, the names of the Senator from Indiana [Mr. COATS], and the Senator from Colorado [Mr. ARMSTRONG] were added as cosponsors of S. 23, a bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services.

S. 29

At the request of Mr. FORD, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 29, a bill to provide for a 2-year Federal budget cycle, and for other purposes.

S. 32

At the request of Mr. THURMOND, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 32, a bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

S. 34

At the request of Mr. HUMPHREY, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 34, a bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts.

S. 38

At the request of Mr. WILSON, the names of the Senator from Wyoming [Mr. WALLOP], and the Senator from Montana [Mr. BURNS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Idaho [Mr. MCCLURE], the Senator from North Carolina [Mr. HELMS], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 38, a bill to make long-term care insurance available to civilian Federal employees, and for other purposes.

S. 47

At the request of Mr. CRANSTON, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 47, a bill to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes.

S. 48

At the request of Mr. CRANSTON, the names of the Senator from Illinois [Mr. SIMON], the Senator from Maryland [Ms. MIKULSKI], the Senator from Michigan [Mr. LEVIN], the Senator from North Dakota [Mr. CONRAD], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 48, a bill to amend the Federal Aviation Act of 1958 to provide protection for employees of the airlines and to promote air safety.

S. 54

At the request of Mr. METZENBAUM, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 54, a bill to amend the Age Discrimination in Employment Act of 1967 with respect to the waiver of rights under such Act without supervision, and for other purposes.

S. 82

At the request of Mr. THURMOND, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 82, a bill to recognize the organization known as the 82nd Airborne Division Association, Inc.

S. 135

At the request of Mr. GLENN, the names of the Senator from Connecticut [Mr. DODD], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 135, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 136

At the request of Mr. ADAMS, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 136, a bill to amend title 3, United States Code, to establish a single poll closing time in the continental United States for Presidential general elections.

S. 137

At the request of Mr. BOREN, the names of the Senator from Rhode Island [Mr. PELL], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 137, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 148

At the request of Mr. PRESSLER, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 148, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Golden Anniversary of the Mount Rushmore National Memorial.

S. 195

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 195, a bill entitled the "Chemical and Biological Weapons Control Act of 1989."

S. 231

At the request of Mr. MOYNIHAN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 231, a bill to amend part A of title IV of the Social Security Act to improve quality control standards and procedures under the Aid to Families With Dependent Children Program, and for other purposes.

S. 256

At the request of Mr. HARKIN, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 256, a bill to direct a study by the Secretary of Agriculture of the classification of anhydrous ammonia as a poisonous gas for purposes of the Hazardous Materials Transportation Act, and for other purposes.

S. 271

At the request of Mr. GRAHAM, the names of the Senator from Virginia [Mr. ROBB] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 271, a bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 277

At the request of Mr. HUMPHREY, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 277, a bill to amend title 5, United States Code, to provide child adoption benefits for Federal Government employees.

S. 278

At the request of Mr. HUMPHREY, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 278, a bill to make permanent the authority of the Secretary of Defense to reimburse members of the Armed Forces for certain expenses incurred in the adoption of children.

S. 279

At the request of Mr. HUMPHREY, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 279, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income employee adoption assistance provided by the employer.

S. 335

At the request of Mr. MCCAIN, the name of the Senator from Alabama [Mr. HEFLIN] was added as a consponsor of S. 335, a bill to amend title XVIII of the Social Security Act and other provisions of law to delay for 1 year the effective dates of the supplemental Medicare premium and additional benefits under part B of the Medicare Program, with the exception of the spousal impoverishment benefit.

S. 339

At the request of Mr. BRADLEY, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 339, 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 Medicaid Program.

S. 342

At the request of Mr. DANFORTH, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to provide that certain credits will not be subject to the passive activity rules, and for other purposes.

S. 355

At the request of Mr. RIEGLE, the names of the Senator from Georgia [Mr. NUNN], the Senator from North

Carolina [Mr. SANFORD], the Senator from Montana [Mr. BURNS], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 355, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage credit certificates may be issued.

S. 365

At the request of Mr. DASCHLE, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 365, a bill to provide for the continuation of certain basic services of the Postal Service consistent with Postal policies under section 101 of tiele 39, United States Code, and for other purposes.

S. 366

At the request of Mr. BAUCUS, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Hawaii [Mr. INOUYE], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 366, a bill to amend title XVIII of the Social Security Act to make certain payment reforms in the Medicare Program to ensure the adequate provision of health care in rural areas, and for other purposes.

S. 369

At the request of Mr. BOSCHWITZ, the names of the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 369, a bill to seek the eradication of the worst aspects of poverty in developing countries by the year 2000.

S. 378

At the request of Mr. ROCKFELLER, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 378 a bill to extend the Steel Import Stabilization Act for an additional 5 years.

S. 382

At the request of Mr. GRAHAM, the names of the Senator from Hawaii [Mr. INOUYE], and the Senator from California [Mr. WILSON] were added as cosponsors of S. 382, a bill to provide Federal financial assistance to facilitate the establishment of volunteer programs in American schools.

S. 417

At the request of Mr. HEINZ, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 417, a bill to amend chapters 83 and 84 of title 5, United States Code, to expedite the processing of applications of Federal employees seeking retirement benefits, and for other purposes.

S. 421

At the request of Mr. FORD, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 421, a bill to amend the Petroleum Marketing Practices Act.

S. 430

At the request of Mr. DASCHLE, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 430, a bill to amend title XIX of the Social Security Act to provide coverage for certain outreach activities undertaken at the option of a State for the purpose of identifying pregnant women and children who are eligible for medical assistance and assisting them in applying for and receiving such assistance, and for other purposes.

S. 447

At the request of Mr. BOSCHWITZ, the names of the Senator from Montana [Mr. BURNS], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 447, a bill to require the Congress and the President to use the spending levels for the current fiscal year (without adjustment for inflation) in the preparation of the budget for each new fiscal year in order to clearly identify spending increases from one fiscal year to the next fiscal year.

SENATE JOINT RESOLUTION 3

At the request of Mr. GARN, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other purposes.

SENATE JOINT RESOLUTION 10

At the request of Mr. THURMOND, the names of the Senator from Illinois [Mr. SIMON], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from North Dakota [Mr. CONRAD], the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. WARNER], and the Senator from Virginia [Mr. ROBB] were added as cosponsor of Senate Joint Resolution 10, a joint resolution to designate the month of May, 1989 as "National Foster Care Month."

SENATE JOINT RESOLUTION 13

At the request of Mr. THURMOND, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 13, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE JOINT RESOLUTION 32

At the request of Mr. PACKWOOD, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Joint Resolution 32, a joint resolution to designate February 2, 1989, as "National Women and Girls in Sports Day."

SENATE JOINT RESOLUTION 39

At the request of Mr. BRADLEY, the name of the Senator from [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 39, a joint resolution to designate April 6, 1989, as "National Student-Athlete Day."

SENATE JOINT RESOLUTION 43

At the request of Mr. GRAHAM, the names of the Senator from Maine [Mr. MITCHELL], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolutioni 43, a joint resolution designating April 9, 1989, as "National Former Prisoners of War Recognition Day."

SENATE JOINT RESOLUTION 44

At the request of Mr. THURMOND, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Florida [Mr. GRAHAM], the Senator from Nebraska [Mr. KERREY], the Senator from Maine [Mr. MITCHELL], the Senator from Washington [Mr. GORTON], the Senator from Kentucky [Mr. MCCONNELL], the Senator from New York [Mr. D'AMATO], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Oregon [Mr. PACKWOOD], the Senator from North Carolina [Mr. SANFORD], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 44, a joint resolution designating the week of April 9, 1989, as "Crime Victims Week."

SENATE JOINT RESOLUTION 52

At the request of Mr. HOLLINGS, the names of the Senator from Florida [Mr. MACK], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 52, a joint resolution to express gratitude for law enforcement personnel.

SENATE JOINT RESOLUTION 55

At the request of Mr. SIMON, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Maine [Mr. MITCHELL], the Senator from Kansas [Mr. DOLE], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 55, a joint resolution to designate the week of October 1, 1989, through October 7, 1989, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 56

At the request of Mr. GARN, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 56, a joint resolution to designate April 23 through April 29, 1989, and the last week of April of each subsequent year as "National Organ and Tissue Donor Awareness Week."

SENATE JOINT RESOLUTION 58

At the request of Mr. DOMENICI, the names of the Senator from Florida [Mr. GRAHAM], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 58, a joint resolution to designate May 17, 1989, as "High School Reserve Of-

ficer Training Corps Recognition Day."

SENATE JOINT RESOLUTION 63

At the request of Mr. RIEGLE, the names of the Senator from Missouri [Mr. BOND], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Joint Resolution 63, a joint resolution designating June 14, 1989, as "Baltic Freedom Day", and for other purposes.

SENATE JOINT RESOLUTION 64

At the request of Mr. LAUTENBURG, the names of the Senator from Washington [Mr. ADAMS], and the Senator from Arkansas [Mr. BUMPERS] were added as consponsors of Senate Joint Resolution 64, a joint resolution to designate March 25, 1989 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 65

At the request of Mr. SIMON, the names of the Senator from California [Mr. CRANSTON], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. DECONCINI], the Senator from Utah [Mr. GARN], the Senator from Utah [Mr. HATCH], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Maine [Mr. MITCHELL], the Senator from Pennslyvania [Mr. SPECTER], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 65, a joint resolution designating June 12, 1989, as "Anne Frank Day."

SENATE CONCURRENT RESOLUTION 10

At the request of Mr. SIMON, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of Senate Concurrent Resolution 10, a concurrent resolution to express the sense of the Congress with respect to continuing reductions in the Medicare program.

SENATE RESOLUTION 24

At the request of Mr. LAUTENBERG, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Resolution 24, a resolution to express the sense of the Senate regarding future funding of Amtrak.

SENATE RESOLUTION 71—AUTHORIZING TESTIMONY BY AN EMPLOYEE OF THE SENATE

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

S. RES. 71

Whereas, in the case of *United States* v. *Ladd Anthony*, Cr. No. 88-271, pending in the United States District Court for the Northern District of Ohio, the Department of Justice has requested the testimony of Candy Korn, a present member, and Peter Harris, a former member, of Senator Metzenbaum's staff;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony or documents, papers, and records of the Senate may be needful for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That Candy Korn and Peter Harris are authorized to testify in the case of *United States* v. *Ladd Anthony*.

SENATE RESOLUTION 72—CONDEMNING THREATS AGAINST THE AUTHOR AND PUBLISHERS OF "SATANIC VERSES"

Mr. MOYNIHAN (for himself, Mr. MITCHELL, Mr. DOLE, Mr. PELL, Mr. HELMS, Mr. SANFORD, Mr. GORTON, Mr. SIMON, and Mr. D'AMATO) submitted the following resolution; which was considered and agreed to:

S. RES. 72

Whereas, on February 14, 1989 Ayatollah Ruhollah Khomeini of the Islamic Republic of Iran called for the assassination of Salman Rushdie, author of "Satanic Verses," and of the officers of Viking, the U.S. publisher of the book;

Whereas, Viking officers have received death threats since the publication of the book, and Viking offices have been evacuated several times following bomb threats;

Whereas on February 21, 1989 President George Bush condemned Iran's threat against Mr. Rushdie and his publisher as "deeply offensive to the norms of civilized behavior": Now, therefore, be it

Resolved by the Senate, That in recognition of threats of violence made against the above mentioned author and publisher, the Senate—

(1) declares its commitment to protect the right of any person to write, publish, sell, buy, and read books without fear of intimidation and violence;

(2) unequivocally condemns as state-sponsored terrorism, the threat of the government of Iran and Ayatollah Ruhollah Khomeini to assassinate citizens of other countries on foreign soil;

(3) expresses its support for the publishers and booksellers who have courageously printed, distributed, sold, and displayed "Satanic Verses" despite the threats they have received;

(4) applauds President Bush for his strongly worded statement of outrage against the Iranian government's actions and calls upon the President to continue to condemn publicly any and all threats made against the author and his publishers;

(5) commends the European Community member states for withdrawing their diplomatic corps from Iran in response to the Ayatollah's death sentences;

(6) recognizes the sensitivity of religious beliefs and practices, respects all religions and the commitment of the religious to their faith, and repudiates religious intolerance and bigotry, and

(7) calls upon the President of the United States to take swift and proportionate action in consulation, as appropriate, with other interested governments, in the event that violent acts should occur.

AMENDMENTS SUBMITTED

OMNIBUS COMMITTEE FUNDING RESOLUTION FOR 1989 AND 1990

WILSON (AND NICKLES) AMENDMENT NO. 7

Mr. WILSON (for himself and Mr. NICKLES) proposed an amendment to the resolution (S. Res. 66) authorizing biennial expenditures by the committees of the Senate; as follows:

In the resolution, strike out section 24.

HELMS (AND OTHERS) AMENDMENT NO. 8

Mr. HELMS (for himself, Mr. NICKLES, and Mr. WILSON) proposed an amendment to the resolution (S. Res. 66), supra; as follows:

On page 1, line 9, strike "$53,252,088" and insert "$50,780,499".

On page 2, line 2, strike "$53,430,099" and insert "$50,892,155".

On page 3, line 22, strike "$1,876,650" and insert "$1,798,118".

On page 4, line 6, strike "$1,914,132" and insert "$1,834,080".

On page 5, line 5, strike "$4,736,267" and insert "$4,428,061".

On page 5, line 15, strike "$4,828,540" and insert "$4,516,622".

On page 6, line 14, strike "$2,728,969" and insert "$2,609,890".

On page 6, line 24, strike "$2,785,811" and insert "$2,662,088".

On page 7, line 25, strike "$2,560,816" and insert "$2,315,308".

On page 8, line 9, strike "$2,614,125" and insert "$2,361,614".

On page 9, line 8, strike "$3,313,130" and insert "$3,167,988".

On page 9, line 18, strike "$3,382,402" and insert "$3,231,348".

On page 10, line 20, strike "$3,694,395" and insert "$3,536,885".

On page 11, line 5, strike "$3,769,571" and insert "$3,607,623".

On page 12, line 5, strike "$2,673,547" and insert "$2,559,807".

On page 12, line 15, strike "$2,727,832" and insert "$2,611,003".

On page 13, line 15, strike "$2,604,115" and insert "$2,492,564".

On page 13, line 25, strike "$2,657,355" and insert "$2,542,415".

On page 14, line 25, strike "$2,754,692" and insert "$2,629,342".

On page 15, line 9, strike "$2,814,065" and insert "$2,681,929".

On page 16, line 9, strike "$2,666,656" and insert "$2,552,785".

On page 16, line 16, strike "$2,721,004" and insert "$2,603,841".

On page 17, line 13, strike "$4,951,018" and insert "$4,740,368".

On page 17, line 23, strike "$5,051,556" and insert "$4,835,175".

On page 24, line 3, strike "$4,748,545" and insert "$4,542,702".

On page 24, line 13, strike "$4,846,789" and insert "$4,633,556".

On page 25, line 13, strike "$4,981,973" and insert "$4,765,560".

On page 25, line 20, strike "$5,085,260" and insert "$4,860,871".
On page 26, line 19, strike "$1,430,672" and insert "$1,367,357".
On page 27, line 5, strike "$1,459,163" and insert "$1,394,704".
On page 29, line 15, strike "$1,123,937" and insert "$1,062,745".
On page 29, line 18, strike "$1,148,131" and insert "$1,084,000".
On page 30, line 8, strike "$1,200,008" and insert "$1,147,299".
On page 30, line 18, strike "$1,213,792" and insert "$1,170,245".
On page 31, line 18, strike "$2,305,816" and insert "$2,205,444".
On page 31, line 25, strike "$2,353,721" and insert "$2,249,553".
On page 32, line 20, strike "$1,887,941" and insert "$1,845,335".
On page 33, line 1, strike "$1,021,116" and insert "$978,288".

NOTICES OF HEARINGS

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRANSTON. Mr. President, I announce, for the information of Senators, that the Committee on Veterans' Affairs, which I am privileged to chair, is scheduled to hold a hearing on March 1, 1989, in SH-216 at 1:30 p.m. on the nomination of Edward J. Derwinski of Illinois to be Administrator of Veterans' Affairs/Secretary of Veterans' Affairs.

Mr. President, I announce, for the information of Senators, that the Committee on Veterans' Affairs, which I am privileged to chair, is scheduled to hold a hearing on March 6, 1989, in SR-418 at 12:30 p.m. on the veterans' programs budget for fiscal year 1990.

Mr. President, I announce, for the information of Senators, that the Senate and House Committees on Veterans' Affairs are scheduled to hold a joint hearing on March 7, 1989, in 345 Cannon House Office Building at 9:30 a.m. to hear the legislative presentation by the Veterans of Foreign Wars of the United States of America.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON VETERANS' AFFAIRS

Mr. BREAUX. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a closed executive session on the nomination of Edward J. Derwinski to be Administrator of Veterans' Affairs/Secretary of Veterans' Affairs on Tuesday, February 28, 1989, at 2:15 p.m.

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

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE, COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BREAUX. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, February 28, 1989, on S. 273, Deceptive Mailing Prevention Act of 1989, and consumer mail issues.

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

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BREAUX. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on 9:30 a.m., February 28, 1989, to receive testimony to reform the Tongass supply fund and the Tongass Timber Reform Act.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BREAUX. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 28, 1989, at 10 a.m. to hold an open confirmation hearing on the nomination of Richard Kerr to be Deputy Director of Central Intelligence.

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

SUBCOMMITTEE ON FOREIGN COMMERCE AND TOURISM, OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BREAUX. Mr. President, I ask unanimous consent that the Subcommittee on Foreign Commerce and Tourism, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on February 28, 1989, at 9:30 a.m. to hold a hearing on the effect of Japanese patent policy on American businesses.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BREAUX. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, February 28, 1989, at 2 p.m., for an organizational business meeting for the purpose of adopting the committee's rules of procedure.

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

COMMITTEE ON ARMED SERVICES

Mr. DIXON. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, February 28, 1989, at 6:30 p.m.—or later—in closed session to consider the report to accompany the nomination of John G. Tower to be Secretary of Defense.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BREAUX. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Tuesday, February 28, 1989, at 9:30 a.m. to continue its oversight hearings on the problems of the Federal Savings and Loan Insurance Corporation.

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

ADDITIONAL STATEMENTS

NATIONAL ARBOR DAY

● Mr. BRADLEY. Mr. President, in 1970, 1972, and again last year, Congress legislated, and the President proclaimed the last Friday in April as "National Arbor Day." I am pleased that the Senate voted unanimously today to pass legislation I introduced to proclaim the last Friday in April 1989 as National Arbor Day.

Trees are one of our Nation's most important natural resources. They provide the raw materials for our basic industries, stabilize our environment, and add natural grace to our surroundings. The establishment of a National Arbor Day reminds all our citizens of the vital presence of trees, whether in urban areas or in distant wilderness.

Man's impact on the environment and on the future of our planet is increasingly evident. The importance of trees as a natural resource should compel us to act promptly on the problem of forest decline. Scientists have observed declines, serious damage, and death of a number of species of trees in large areas of Europe and the United States. Damage to forests has ranged from decline in growth of several species of pine in southern New Jersey to widespread damage to the ponderosa pine in southern California.

Because we are concerned about damage to our forests and our trees and because we need to acknowledge the contribution that trees make to our health and well-being, I urge the House of Representatives to act to proclaim April 28, 1989 as National Arbor Day.●

THE PASSING OF DR. IRVIN ABELL

● Mr. McCONNELL. Mr. President, I rise today to express my sorrow upon the death of a community leader and good friend of mine, Dr. Irvin Abell.

When Irvin passed away on January 31, the community of Louisville and the State of Kentucky lost a selfless, dedicated doctor whose contributions to the community included a career in medicine which spanned several decades. He was a former president of the Kentucky State Medical Association and former head of the Jefferson County Medical Society. Irvin also served as president of the medical

staff and the executive committee at the old St. Joseph Infirmary. Other medical organizations with which he was affiliated include the American College of Surgeons, Southeastern Surgical Congress, Southern Surgical Association, and the Kentucky Surgical Society.

But Irvin's duties did not exclusively center around the medical profession. He was a former board member of J.B. Speed Art Museum and a former director of the Louisville Chamber of Commerce. Irvin was also deeply interested in education having served on the board of overseers of Bellarmine College and as chairman of the board of advisers for Nazareth College.

Irvin Abell was a great man and a dedicated doctor who will be sorely missed by all who knew him and by all who benefited from his service to others. Mr. President, I know that my colleagues join me in sending our most sincere condolences to Irvin's widow, Helen, his children and grandchildren.

END HOLDING PATTERN

● Mr. MACK. Mr. President, the dispute between Eastern Airlines and the International Association of Machinists is having severe consequences for not only Eastern and its employees, but for the entire airline industry. A recent editorial in the Miami Herald examined this dispute, and, I believe, shed some light on the issue, and I ask that it be printed in the RECORD.

The editorial follows:

[From the Miami Herald, Feb. 24, 1989]

END HOLDING PATTERN

Contract negotiations between Eastern Airlines and the International Association of Machinists (IAM) officially are in a "cooling off" stage in which intense negotiations are waged in search of agreement. Unofficially, both parties are in a sweat, running to court, to Congress, and "concerned citizens" in search of allies for what comes after March 4, the deadline for agreement. If only each would devote as much energy to negotiations.

The stakes are high: Losing $1 million a day, Eastern must reduce its costs and gain financial flexibility if it's to survive. Quite aside from the bitter and personal battle between IAM President Charles Bryan and Frank Lorenzo, chairman of Eastern's parent Texas Air Corp., organized labor worries that a new industry standard is emerging. Still, the self-interest of each is best served by a contract agreement. To a wary traveling public and a South Florida community held hostage to the dispute, the distinction between the IAM's strike threat and Eastern's self-fulfilling prophesies of service cuts and asset sales is irrelevant.

South Florida's business community and political establishment should continue pressuring both disputants to reach a negotiated accord. To that end, give credit to Labor Secretary Elizabeth Dole for avoiding the trap laid by the AFL-CIO's executive council and for parrying its proposals to establish an emergency Presidential fact-finding board to intervene.

While negotiations proceed, there is no justification whatsoever to convene a board, which would require extending the negotiating deadline another 60 days. Even if negotiations fail, the nation's air service wouldn't likely be disrupted seriously by an IAM strike, or even Eastern's collapse. Other airlines are willing to expand. Presidential intervention simply would alleviate pressure on Eastern and the IAM to reach accord by March 4.

There has been too much delay already. Eastern's ebbing financial strength is dragging Texas Air down as well. Thousands of union jobs have been lost. Hopes for a buyout have proved unrealistic. Now is the time for a contract agreement, not for naming a Presidential board and giving the negotiators another two months to squabble.●

ADVANCED MANUFACTURING TECHNOLOGIES

● Mr. DURENBERGER. Mr. President, throughout the 1980's, we have been engaging in an ongoing debate as to how the Government can help American business improve its competitiveness in the global market. This is a difficult and complex issue which will not be quickly resolved.

As part of this debate, I would like to bring to the attention of my colleagues a recent article written by William C. Norris, chairman emeritus of Control Data Corp. and current chairman of the William C. Norris Institute, a nonprofit corporation established to address major public policy issues. In this article, Bill points out the importance of facilitating public-private cooperation in developing advanced manufacturing technologies.

He specifically recommends that Federal and State governments pool their resources with private companies to establish a network of manufacturing service centers throughout the United States to provide design and manufacturing services on a contract basis. As he notes, "this approach would surmount the barriers to adoption of advanced manufacturing technology, especially by small companies."

Mr. President, I believe Bill Norris has presented an idea that we should consider pursuing in the near future. I ask that the article published in the February 23, 1989, St. Paul Pioneer Dispatch be printed in the RECORD.

The article follows:

U.S. GOVERNMENT, INDUSTRY MUST JOIN FORCES TO MEET FOREIGN CHALLENGE

(By William C. Norris)

A spate of articles has appeared in the nation's newspapers and business magazines in recent months, prompted by a Department of Commerce report that American manufacturing is not as healthy as had been claimed. Apparently, previous statistics on manufacturing contained a miscalculation causing that sector's share of gross national product to be overstated.

This revelation has come as a shock to many, because, for a number of years, economists and the Reagan administration had contended that U.S. manufacturing was in robust health. This position has been maintained, in spite of an ever-expanding and highly visible array of foreign-made consumer electronic goods, automobiles, trucks and other products pouring into our businesses, homes and onto our streets.

Also largely ignored has been a continuing stream of reports during the past five years warning that many U.S. industries have fallen behind foreign competitors in use of advanced manufacturing technology. That includes computer-aided design, computer-aided manufacturing and robotic assembly.

As the Congressional Office of Technology Assessment noted in a July report: "Many U.S. industries have fallen behind foreign competitors in manufacturing technology. The weak performance of American manufacturers is one of the most important underlying forces behind the large trade deficit of the 1980s. The United Statees has to improve its manufacturing performance if it is to prevent further erosion in living standards."

Another reason for great concern is the strong shift toward higher value-added products by Japanese manufacturers who are increasingly investing in advanced automated manufacturing to expand production of high-value products—such as computers, peripherals, instruments, VCRs, televison sets, and optical fiber telecommunications equipment—as compared to lower value-added steel, chemical feedstock, pulp, paper, pork bellies and other commodities.

As a consequence of the ever-growing investment in manufacturing technology, Japanese manufacturers have increased quality and lowered the cost of products. At the same time, they are decreasing the time required to design and manufacture new products.

Countering this formidable threat is a gargantuan challenge. Our response must be designed not just to catch up, but to leapfrog foreign competition. Clearly, a substantial increase in investment to improve manufacturing is required. Because of the staggering federal budget deficit and the many other demands for increased expenditures, such an investment is unaffordable unless there is a substantial increase in the efficiency of utilization of existing resources through cooperation on an unprecedented scale. This must involve the federal government, state government, local communities and industry in a cooperative effort.

The most effective means of marshaling these players is by establishing advanced manufacturing service centers throughout the United States, which would use the most advanced technology. These centers would provide design and manufacturing services on a contract basis. Companies would pay for the service as used. A company could access the manufacturing center through a computer work station located on its premises.

The centers would be financed, initially, by a combination of federal, state, local community and industry funds. Eventually, the centers would be taken over by industry.

This approach would surmount the barriers to adoption of advanced manufacturing technology, especially by smaller companies, of substantial initial investment, high risk and lack of the capability to assemble and operate an in-house advanced manufacturing system.

Congress has recognized the need to stimulate and accelerate the adoption of advanced manufacturing technology throughout American industry by providing a modest amount of funding—which is matched by other public and private sources—for three regional advanced manu-

facturing centers. While this is a step in the right direction, much larger funding needs to be provided by the federal government, which is keyed to increased investment by state governments, communities and companies.

Every community in America is uneasy about the foreign competitive threat. The steady flow of words relating to the health of U.S. manufacturing, often conflicting, has dwelled on symptoms. Identifying and effecting a cure is overdue. American communities must now provide the impetus to get it under way. This is in keeping with their actions to help themselves by establishing economic development programs.

Thus, each community should start the necessary planning and start building the necessary support required by federal and state governments and companies to establish an advanced manufacturing service center. Such actions, by communities throughout America, would dramatically improve competitiveness, which would help underwrite the prosperity we are all seeking for the future.●

MIKE L. WARD

● Mr. SHELBY. Mr. President, it is with a great deal of pleasure that I ask my colleagues in the Senate to join me in recognizing an outstanding Alabamian, Mike L. Ward, of Huntsville, AL. If the future of this country rests with our young people, Mike should give us all hope. I can not think of a more appropriate time to recognize Mike's achievements than Black History Month.

I first met Mike in July 1988 when he visited my office as Governor of Boy's State and a delegate to Boy's Nation. I found him to be a highly motivated and well rounded individual who had succeeded in being elected the first black Governor of Alabama's Boys' State.

Mike embodies many characteristics that have set him apart as a leader. Born in 1971 with cerebral palsy, he, through hard work and determination, became an outstanding student with the potential to become one of tomorrow's leaders.

A senior at Butler Senior High School, Mike also was elected junior and senior class president and is an active member in the student council. He is an associate editor of the Phoenix magazine, a member of the Key Club, the Junior Civitan Club, the wrestling team, and the debate team, and has participated in the Scholars Bowl for the past 2 years. Further, Mike hosts a weekly radio show on WEUP in Huntsville on academics and sports at Butler High School. In addition to his unparalleled involvement in school activities, Mike' commitment to his community extends into the realm of civic and charitable endeavors. He is a member of the Pentecostal Church, a member of Visions 2000, which is an organization that works with the mayor of Huntsville on community problems, and a member of the Huntsville City School Boards Committee on Race Relations. He volunteers with the Special Olympics and Salvation Army, is an advisor to Boy Scout troops in Huntsville and conducts seminars on "growing up." Sanford University in Birmingham, Auburn University, Vanderbilt University, or Duke University, Mike's choices for college will benefit from this young man's outstanding leadership abilities in the fall.

Mike's endless participation in school has provided Butler Senior High with respected leadership. He has been a source of pride for his school and the State of Alabama, giving Huntsville the opportunity to add yet another outstanding citizen to that city's history.

He embodies the characteristics that idenfify our American spirit—faith, courage, and determination. I am honored to serve as his Senator in Washington.●

SILVER ANNIVERSARY OF THE PORT AUTHORITY OF PITTSBURGH

● Mr. HEINZ. Mr. President, I rise today to mark a historic milestone in the economic development of Allegheny County, PA, and the mobility of its citizens. Tomorrow, March 1, the Port Authority of Pittsburgh [PAT] will celebrate 25 years of service.

From its modest beginning on March 1, 1964, when a bus left the Homewood Garage on Frankstown Avenue to begin service to the North Side and Bloomfield, until today, PAT has provided direct benefits to billions of commuters, schoolchildren, and the elderly.

During the past quarter century, PAT has traveled nearly 1 billion miles and carried more than 2.4 billion passengers.

Mr. President, the port authority and its nearly 3,000 employees are to be commended for the contributions they have made toward our region's economic and social development. Mass transit is an integral part of our Nation's commercial well-being. It relieves traffic congestion and makes our environment a more livable one by reducing the number of cars needed to get people around. For many people, it is the only available means of transportation.

The port authority could not have gone so far, so fast, without the Federal transit funding provided through the Urban Mass Transportation administration. I stand committed to this Federal-State-local partnership which has demonstrably proven its value to our citizens.●

AMMUNITION CONTROL AND HANDGUN VIOLENCE

● Mr. MOYNIHAN. Mr. President, it has happened again. The New York Post reported on February 22 that a 17-year-old girl was arrested at Paul Robeson High School in Brooklyn, NY, for threatening a classmate with a loaded pistol. The pistol was loaded with .32 caliber bullets. Big enough to be deadly. And small enough to have been hidden in the girl's waistband.

On January 25, I introduced the Violent Crime Protection Crime Act—S. 229—in the Senate to ban the manufacture, importation, and sale of .25- and .32-caliber ammunition. I did so because it will be next to impossible to control handgun violence by banning handguns themselves. Sixty million handguns are already in circulation, and they will last more than a lifetime. But bullets get used up. Our current supply of bullets will not last for more than a few years.

The .25- and .32-caliber ammunition is used in small, concealable handguns. It is overwhelmingly the choice of criminals. It is just used to kill people. Children use it to kill children. On January 23, for example, in Fairfax County, VA, an 8-year-old boy shot his 6-year-old sister to death. Deliberately, with a .32-caliber handgun. On January 11, in New York City, a 5-year-old brought a .25-caliber pistol to kindergarten. He was headlined by the New York Post as New York's "Pistol Packin' Peewee."

I do not wish to argue that it is the presence of guns and bullets alone that causes this kind of violence. Life has become desperate in our cities. In New York City officials estimate that 600,000 mostly young people use crack. And in the South Bronx 1 in 40 expectant mothers tests positive for the AIDS virus. The same people who are shooting at one another are slowly killing themselves. We must learn how to teach them the simple proposition that life is worth holding on to.

But that will take time. In the meantime, we could just save a few lives by cutting off the exhaustible supply of bullets that feeds our inexhaustible supply of handguns. To repeat: it has happened again. And it will happen again. I urge my colleagues to take another look at S. 229, and to do it sooner rather than later. We simply cannot delay action any longer.

AMERICAN POLICIES IN THE MIDDLE EAST

● Mr. WILSON. Mr. President, about 2 weeks ago, Vice President QUAYLE delivered a speech to the Anti-Defamation League that offered a clear and courageous exposition of the principles that will guide American policies in the Middle East. The Vice President reminded his listeners that in the blizzard of rhetoric and showmanship which has recently come from this volatile area of the world, the United States must wait for the verbal storm

to pass and look carefully for tangible deeds on the part of the Palestine Liberation Organization before it judges both the sincerity and the reality of Yasser Arafat's attitude toward the State of Israel.

"We need," the Vice President noted, "more than press conference statements and semantics. We need to see real evidence of concrete actions by the PLO—actions for peace, and against terrorism—before changing our fundamental attitude toward the PLO." If we read between Arafat's own lines, Mr. President, we still see a man representing a group that continues to rely on violence and subversion to achieve its goals. The PLO "denounces terrorism," we are told, yet still reserves a right to kidnap, kill, and bomb within Israeli borders. Palestinian spokesmen "accept Israel's right to exist," we hear on the evening news, yet the charter of their organization still calls for the destruction of the Jewish state. Arafat seeks a "genuine compromise" on the future status of the West Bank and the Gaza Strip, we read in the papers, yet still promises "10 bullets in the chest" to anyone who dares to disagree with his program of guerrilla warfare.

It is unfortunate that the Vice President's speech attracted so little attention in the media because it tackled these hard facts concerning the PLO's agenda and recommended sober policy options for the new administration. I therefore ask, Mr. President, that the text of this speech be printed in the RECORD.

The remarks follow:

REMARKS BY THE VICE PRESIDENT TO THE ANTI-DEFAMATION LEAGUE, PALM BEACH, FL

I am delighted to be here this afternoon and to address this distinguished gathering. Since its founding in a Chicago law office back in 1913, the Anti-Defamation League of B'nai B'rith has worked hard to make the American dream a reality for all Americans. You have sought, in your own words, "to stop the defamation of the Jewish people . . . and to secure justice and fair treatment to all citizens alike." These are great aims, noble aims, and I congratulate you for the courage, wisdom and tenacity with which you have pursued them.

The A.D.L.'s record infighting the good fight is a long and honorable one, but there's one aspect of that record that seems to me especially noteworthy: Your recognition that for civil rights to flourish at home, they must flourish abroad, as well. From the 1930's, when the A.D.L. fought Nazi propaganda in the United States, to your current efforts to develop lesson plans for schools that teach our students to distinguish between democratic and totalitarian forms of government, you have understood that the cause of democracy and human rights is indivisible. You have understood that you can't fight the bigots and the bullies at home while running away from them abroad. You have understood that you've got to stand up and be counted—both in the domestic arena and in the foreign arena.

I am here to tell you that the Bush Administration shares your basic outlook. At home, our aim is to strengthen the pluralistic threads out of which our society is woven—to build a "kinder, gentler nation," a nation where racism, anti-Semitism and bigotry of every sort no longer deface the American landscape. Abroad, our goal is to use our power to advance the cause of liberty. We know that these two aims are linked, and we recognize that we won't succeed at either task unless we succeed at both.

Maintaining liberty at home means honoring the values that have made us free. I stressed this need only a few days after becoming Vice President, when I addressed the National Religious Broadcasters Convention back in Washington. My theme was religious liberty, and the need for all Americans to respect our First Amendment Freedoms.

In the course of my remarks, I used one of my favorite quotations—from a letter sent by George Washington to the Hebrew Congress of Newport in 1790. It goes like this: "It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support . . . May the Children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other inhabitants, while every one shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid."

That was the quote I read to the Religious Broadcasters, and it truly is one of the most beautiful quotes in our history. For it reminds us that at the very moment when the foundations of our nation were being laid, Americans understood that religious freedom isn't a privilege that the state can grant or withhold as it chooses; rather, it is a fundamental right, an inalienable right, that the state must uphold.

Of course, we Americans haven't always lived up to our high ideals. Our history has been marred by racism and anti-Semitism, and even today incidents occur. But these are the exception, not the rule. The rule is that the American people are deeply devoted to the principles of a democratic, just and pluralistic society. And the rule is that the Bush Administration—from the President on down—abhors and abominates all manifestations of racial and religious bigotry. Although reasonable men and women will differ over just where to draw the line between religion and the state in public affairs, there is no room to differ over the centrality of liberty, and of religious liberty. There is no differences over the need to keep America a nation where, "Every one shall sit in safety under his vine and fig tree, and there shall be none to make him afraid."

I wish it were so everywhere else in the world—but, unfortunately, it is not. As some of you may know, I just got back from a visit to Venezuela and El Salvador. Over the course of my trip, I met with many Latin American leaders. To all these leaders, I stressed this nation's enduring support for democracy and human rights. I explained to them that our democratic convictions aren't just an afterthought or an add-on; rather, they lie at the core of our foreign policy. For the American people as a whole—for Democrats and Republicans, for Jews and Christians—democratic self-government is the best guarantee of peace and freedom, of international stability and social justice.

This national consensus on behalf of democracy is one very important reason why the United States supports democratic Israel, but it's not the only reason. I'd like to examine some of the other reasons as well. But first, let me review with you some of the recent developments in the Middle East—developments with which the Bush Administration is currently grappling.

One very troubling recent development is the proliferation of both chemical weapons and ballistic missiles throughout the Middle East. The use of chemical weapons by both Iraq and Iran during the Gulf War, Iraq's use of these weapons against the Kurds, and Libya's possession of chemical weapons, remind us all, once again, that the Middle East is an exceedingly dangerous place—and that the dangers may be increasing.

Another recent development has been Yasir Arafat's acceptance of American conditions for initiating a dialogue—that is, recognition of Israel's right to exist, renunciation of terrorism, and acceptance of UN Security Council Resolutions 242 and 338. But there are many reasons for looking long and hard before drawing any firm conclusions about Mr. Arafat's reversal. We need more than press conference statements and semantics. We need to see real evidence of concrete actions by the PLO—actions for peace, and against terrorism—before changing our fundamental attitude toward the PLO.

To begin with, we must all remember that the PLO is an umbrella organization that contains a number of political groups. Some of these groups have made it clear that they continue to reject Israel's right to exist, and continue to regard terrorism as a legitimate means of struggle, regardless of what Mr. Arafat says. Clearly, then, the nature of the PLO's commitment to peace needs to be clarified.

Second, even within Mr. Arafat's own organization, some of his lieutenants have made statements that flatly contradict their leader's peaceful protestations—yet they are neither censured nor disciplined for their apparent insubordination. What are we to make of this? And what are we to make of the fact that Mr. Arafat himself has threatened the lives of Palestinian leaders on the West Bank who have indicated an interest in achieving some sort of peaceful accommodation with Israel? Or of the fact that the PLO Charter, calling for Israel's destruction, has not been formally revoked? Once again, simple prudence obliges us to monitor Mr. Arafat and his organization very carefully, and to probe his words very closely, before arriving at a final determination. Those who believe that America policy is about to undergo a basic shift merely because we have begun to talk with the PLO are completely mistaken. As Secretary of State Baker has noted, "The existence of the dialogue should not lead anyone to misunderstand our overall policy or question our enduring support for the State of Israel."

Yet another new factor in the Middle East equation is the Palestinian uprising that has gone on for over a year now, and has resulted in nearly four hundred Palestinians killed, and many more injured. Some may say that by the grisly standards of some of Israel's neighbors, a few hundred people killed in the course of a year-long uprising is not a very staggering figure. And, of course, Arab states have killed far more Palestinians than Israel has. But Israel cannot be judged by the standards of its neighbors. Israel judges itself—and is judged by

others—on the basis of the standards which prevail in the democratic West. And on the basis of these standards, the status quo on the West Bank and Gaza Strip is clearly unacceptable.

Of course the Israelis understand this as well as anyone. As you know, the recently-formed government in Jerusalem is exploring new options, examining new initiatives to deal with this crisis. We welcome these moves, and hope that they will lead to an atmosphere of mutual restraint. And we will continue to oppose the one-sided condemnations of Israel's actions that emerge all-too-often from the U.N. In fact, in its very first week on the job, the Bush Administration made it clear that we would veto a proposed Security Council Presidential statement harshly critical of Israel. When the sponsors of that statement toned it down somewhat, in the hope of avoiding a U.S. veto, we again informed them that it was still one-sided and unacceptable. As a result, the statement was withdrawn. There's a lesson to be learned here—a lesson about the U.S. commitment to the truth and justice in the Middle East—and we hope that those who sponsored this statement have learned it.

These, then, are some of the complexities facing the Bush Administration as we review U.S. policy in the Middle East. Clearly, the dilemmas are real, the choices are difficult, and the stakes are high. But the fact that a policy review is under way doesn't mean that our Middle East policy is somehow up for grabs now. On the contrary, the broad principles of U.S. Middle East policy remain firmly in place. And perhaps, during this period of review, they are worth restating.

So let's begin with the basics. The first principles of U.S. Middle East policy remains strong and unwavering support for Israel's security. Forty years ago, we supported the creation of the State of Israel for moral and humanitarian reasons. We believed that after the unspeakable atrocities committed by the Nazis, Jews needed a land they could call their own, a land in which they could live without fear. That is what we are committed, and will always remain committed to the security of Israel. We are committed to helping Israel protect itself against any combination of aggressors. And we will always make clear to the world, through moral and material support, that we are a permanent and unshakable ally of the State of Israel.

But humanitarian and moral considerations are not the sole basis for American support of Israel. As I noted earlier, our common democratic traditions, our partnership in pursuit of peace and freedom, is another pillar of our alliance. Israel is a vibrant democracy in a part of the world where democratic institutions have not, as yet, taken hold. This situation presents Israel's democracy with daily challenges of a kind that other democracies, surrounded by peaceful neighbors, have rarely had to face. That Israel's democracy continues to flourish under these conditions is both a tribute to the courage and determination of the Israeli people, and a bond firmly linking them to the American people.

American and Israel are also linked by common strategic interests. The fact is that we have no more reliable friend in the world than Israel. And the scope of our strategic cooperation is vast. Indeed, as Secretary of State Baker pointed out during his confirmation hearings, our relationship with Israel has expanded into a "true strategic alliance" during the Reagan-Bush years. One aspect of this alliance of particular interest to me when I served in the Senate was anti-tactical ballistic missile technology. With the proliferation of ballistic missiles to the Middle East, the need for such a defense becomes increasingly obvious. I am proud that I helped to channel funds to Israel through SDI for joint research and development projects, such as the Arrow missile defense system, and that I have worked to further U.S.-Israel strategic cooperation both in the Senate and during my visit to Israel in 1987. I know that both nations can gain enormously from such cooperation.

For all these reasons—our moral commitments, our democratic convictions, and our strategic interests—we provide more security assistance to Israel than to any other nation. I believe that this assistance is one of the best investments we can make—an investment not only in Israel's security, but in our own. And I know President Bush shares this conviction.

A second enduring principle underlying U.S. Middle East policy is the search for an Arab-Israeli peace based on direct negotiations between the parties. We believe that negotiations can work. We believe that the Arab-Israeli conflict is not intractable, and that compromises on all outstanding issues can be found. But the responsibility for making the compromises, for finding the solutions, rests with the parties themselves. Anyone who tries to shift the primary peace-making responsibility to the United States, who thinks that we can somehow be persuaded into pressuring Israel to accept a pre-cooked "solution", is only kidding himself.

A third enduring principle of our Middle East policy is that direct negotiations must be based on U.N. Security Council Resolutions 242 and 338, which include the exchange of territory for peace. Realistically, we believe that Jordan must play a part in any peace settlement. The Palestinians must participate in the determination of their own future, as well. We continue to believe, however, that an independent Palestinian state will not be a source of stability or a contribution to a just and lasting peace.

My friends, we should not lose sight during the current difficulties and turmoil of the fact that the last eight years have been good ones for the American-Israeli alliance. They have also been years in which the cause of democracy and human rights have made giant strides around the world. These two developments are not unrelated. For when America is truest to herself, when she takes her own principles seriously, and acts on them, both democracy and our friendship with Israel will flourish.

I want to assure you that the next eight years—the Bush-Quayle years—will be equally successful. We will continue to uphold the values of freedom and democracy that have made us great both at home and abroad. We will continue to advance the cause of human rights around the world. And we will continue to strengthen and deepen our strategic alliance with Israel.

Let me conclude these remarks on a personal note, if I might. As some of you may know, I was born in Huntington, Indiana. It was a small, decent, quiet American town—and life was safe and secure there. But then I grew up, and as I grew up I learned some new and ugly words; words like Gulag; words like Auschwitz; words like Boat People. And I learned that the safety and security that I had taken for granted were not part of the inevitable order of things. You have to work at it; you have to fight for it; and sometimes, you have to sacrifice for it.

I went into public life to do precisely this: to help, in the words of our Constitution, "to secure the blessings of liberty to ourselves and our posterity." But securing these blessings for ourselves means helping others to secure them for themselves—their posterity. It means working at home and abroad to make the world a little less cruel, a little more humane.

The A.D.L. has understood this all along. From your earliest days you have been an embattled organization, and all your battles have been fought on behalf of democracy and human rights. I salute you for what you have accomplished. And I trust that in the future we shall fight our battles together, side by side.

Thank you and God Bless You.●

TERRY EHRICH

● Mr. LEAHY. Mr. President, I would like to take a moment today to talk about a constituent of mine, Terry Ehrich, of Bennington, VT, who is the owner and publisher of a newspaper called the Hemmings Motor News.

Terry also provides a great public service by allowing his antique cars to be used during Bennington's local parades. I have certainly enjoyed them.

No matter where my travels take me, I can usually find a copy of the Hemmings Motor News, and I take great pride in knowing that the publication comes from Vermont.

I respectfully request that the article about my friend Terry that appeared in the Burlington Free Press be printed here in full.

The article follows:

IF YOU CAN'T FIND IT IN HEMMINGS—BENNINGTON'S THE HUB FOR SPECIALTY CAR ENTHUSIASTS

(By Kent M. Shaw)

BENNINGTON.—Can anyone help T. Hillsgrove, of Jacksonville, Fla., locate 16-inch rims with 3½-inch hubs for his 1940 Buick 46S Coupe?

"I have two rims that are bent so badly that I can hardly drive the car," laments T. Hillsgrove. "I've come to the conclusion that if I can't find it in Hemmings it probably doesn't exist. Can anyone help?"

However the writer makes out in his quest for a smooth ride in his '40 Buick, there may be no better place to look than among the 700-plus pages of Hemmings Motor News, the monthly Bible of vintage and special interest automobiles, parts and sundries published from a much-expanded schoolhouse in Bennington.

In 1988, Hemmings published 8,384 pages of classified and display advertising. Except for the occasional note from the publisher and the small string of letters, such as T. Hillsgrove's, there was nothing else.

No feature stories, no in-depth investigations, no chit chat, no profiles, not a word on the latest trends or fashions.

T-Bird: 1956, in storage 21 years, needs very minor work, $16,000.

We pay cash for Chrysler convertibles, 1928-68, any condition; 1963 Super Sport spinner wheel covers, excellent condition, $80.

There is no price listed with a 1955 Mercedes-Benz 300SL Gullwing, "available to qualified knowledgeable drivers."

At last count, says publisher Terry Ehrich, who is planning to celebrate Hemmings' 35th anniversary through most of 1988, circulation had reached 269,935, including newsstand sales of about 44,350 at the cover price of $3.95.

The flagship of Watering Inc., a privately held corporation of which Ehrich is a principal owner, Hemmings will account for about $13.5 million in revenues this year.

"There are a lot of fun cars in here," said the 47-year-old Ehrich, paging at random through a recent issue. "You can open it up and start daydreaming."

"Look at this old Ford woodie," he said. "Imagine driving across the country in that."

This one was a 1949 with 75,000 miles on it, "near perfect wood throughout, original upholstery, $8,900."

Ehrich has a much simpler time explaining how his business works than addressing the fundamental questions, explaining why it is that T. Hillsgrove or any of 100,000 other dedicated Hemmings readers develop, in Ehrich's words, such "emotional relationships" with their cars.

"People really get involved with their automobiles," he said, smiling.

Ehrich's involvement with Hemmings began in 1968 when he purchased the business from Ernest Hemmings, an auto parts jobber from Quincy, Ill., who mimeographed the first Hemmings—four pages long—in January 1954.

Ehrich moved the business to his native Vermont two years later, bringing along a few adventurous staffers and a publication with a circulation of about 35,000.

Brownell, who is also editor of Special Interest Autos—a Watering Inc.-owned magazine established in 1970, which publishes frank test drive reports on vintage cars—says the 1970s saw the pastime of refurbishing classic cars shift away from the near exclusive domain of millionaires who tinker with their Dusenbergs.

"The hobby redefined itself," Brownwell said. "These are regular folks. These are average Joes."

That isn't to say that Hemmings turns down ads from would-be sellers or buyers of Dusenbergs or Ferraris or 1955 Mercedes-Benz 300SL Gullwings. But the mainstay is the regular production American car—the V-8 powered 1930s Fords, the 1960s-era Mustangs.

Hemmings does turn down ads from people who forget to enclose a check or money order with their insert for any of the 60 or so categories inside. There is no billing department at Hemmings. The magazine also gives a boost to the average Joe by discounting non-commercial classified advertising for hobbyists.

Even when he doesn't have much in the way of spare time to share with a visitor, Ehrich is eager to show off the firm's "rolling stock," most of it housed in the former horse stables of a once-grand Bennington estate.

Hemmings Motor News is emblazoned on the sides of two 1929 Model AA Ford-Cretor popcorn vending trucks, which the firm takes along to auto shows for proven promotional value.

The regular fleet of 1936 panel trucks—a Chevy, a Ford and a Dodge—are there, too, restored to prime shape. Ehrich said he liked the idea of investing in the less-sought after panel trucks because few readers would feel Hemmings was competing against them in the market. Besides, said Ehrich, smiling again, there is plenty of room on the rich British racing green side panels for the company name.

"If you can't find it in Hemmings Motor News," reads a borrowed phrase on the back, "your car can probably do without it."

Ehrich said he may have learned something recently of the passions of vintage car collectors while he was preparing an introductory essay for a small publication Hemmings plans for 1989, a primer for the would-be collector.

"I think I convinced myself," said Ehrich, who found himself smitten by a 1928 Model A two-door recently.

"Because it was just the same as the first car I ever owned."

Just the same as the car he tinkered with as a teen-ager at a former Shell station in Arlington, just up the road a piece.

THE EHRICH FILE

Name: Terry Ehrich.

Occupation: Publisher, Hemmings Motor News.

Age: 47.

Education: Harvard College, Class of 1963.

Interests: Environmental activism: "We haven't tested the brakes in this technological society of ours. We've had the accelerator to the floor."●

FAIR HOUSING MONTH

● Mr. D'AMATO. Mr. President, I rise today to offer my support for Senate Joint Resolution 41, a joint resolution designating April 1989 as "Fair Housing Month."

Twenty-one years ago, in April 1968, Congress passed the Fair Housing Act. Fair Housing Month commemorates this landmark in civil rights history, and reaffirms our national commitment to providing fair housing to everyone regardless of race, color, religion, sex, national origin, familial status, or handicap. Just last year, to further our commitment to fair housing, Congress passed the Fair Housing Amendments Act of 1988, of which I was proud to cosponsor. The 1988 amendments expanded the Fair Housing Act to include coverage to prevent discrimination against handicapped persons and families with children.

Among its more important provisions, the Fair Housing Amendments Act bars discrimination in the sale, rental, or financing of housing on the basis of handicap. In addition, the amendments require reasonable modification of dwellings and reasonable accommodation in policies for handicap persons, and also requires the design and construction of certain new covered multifamily dwellings for first occupancy after March 13, 1991, to meet certain adaptability and accessibility requirements. Regarding discrimination against families, the 1988 amendments bar discrimination in the sale, rental, or financing of housing because there are children in a family, but exempts certain housing for older persons.

Mr. President, housing is a basic human right. So it is our duty to protect anyone denied housing because of race, number of children, handicap, or any other reason. America was founded on principles of fairness and equality—it is vital that we protect those in danger of losing these rights. I am proud to cosponsor Fair Housing Month which reminds us not to lose sight of our American values. I commend Senator SPECTER, my neighbor from nearby Pennsylvania, on introducing this joint resolution, and urge my colleagues to join us in cosponsoring Senate Joint Resolution 41.●

BIOLOGICAL AND CHEMICAL WEAPONS SANCTIONS

● Mr. LEAHY. Mr. President, I am pleased to have recently joined as a cosponsor of legislation introduced by Senator CLAIBORNE PELL to impose economic sanctions against nations that use biological or chemical weapons. The Pell bill is an important step toward deterring the appalling use of these weapons, even by those who are not signators of international treaties that prohibit their use.

Last month, the ugly specter of chemical weapons brought 149 nations together at a conference in Paris. The participants reaffirmed their support for the Geneva protocol, an international agreement banning the use of chemical weapons, and urged the completion of a treaty to ban their production or possession.

Mr. President, I found the Paris conference full of irony. It was as if people finally came to their senses about the dangerous path the world was heading down. President Reagan, the leader who appealed to other governments to hold the meeting, successfully urged Congress only several years earlier to resume production of chemical weapons. I fought hard against this unwise initiative but the President prevailed. If these horrible weapons are going to continue to exist we should deter their use by showing other countries their effects can be negated, not that we will retaliate with similar weapons. The United States should take a bold step and concentrate its efforts on defensive rather than offensive capabilities.

I also found it ironic that some of the nations accused of using chemical weapons attended the conference and signed the nonuse pact. I doubt that nations which have already used chemical weapons are in any way restrained by a nonuse pledge. It will take strong measures by the international community against violators if we are to deter further use of these inhumane and senseless weapons.

On several occasions during the Iran-Iraq war, United Nations inspectors determined chemical weapons

were used. Shortly after a cease-fire was reached, Iraq apparently used chemical weapons again, this time against Kurdish rebels and civilians. Several credible reports also indicate the Soviet Union resorted to chemical weapons during its failed campaign against the Mujaheddin in Afghanistan. There are also reports that Vietnam used chemical weapons in Cambodia.

In 1979 there was a very disturbing incident in Sverdlovsk, U.S.S.R. Apparently, an accident at a biological warfare facility released anthrax spores into the environment resulting in illness and death among the local community. This accident strongly suggests that the Soviet Union violated the 1972 Biological and Toxin Weapons Convention that bans both use and possession of these weapons.

Mr. President, the United States and its allies strongly condemned the use of biological and chemical weapons after many of these incidents. But strong words failed to keep the biological and chemical genies in their bottles. Last year, after the Iraqi chemical assault on the Kurds, the Senate finally moved closer to stronger measures by passing a sanctions bill against Iraq. Unfortunately, the House failed to take up this measure before the end of the 100th Congress.

The Pell legislation is an important opportunity to put nations on notice that the United States will react in more forceful terms to any future use of chemical weapons. The bill requires the President to impose sanctions if U.N. inspectors confirm their use. If a country denies entry to U.N. inspectors the sanctions would automatically be imposed.

Mr. President, almost as frightening as their use is the spread of these horrific weapons. Nearly 20 countries are now suspected of having chemical weapons. In addition to establishing international procedures to punish those who release chemical weapons, the United States must continue to work closely with all nations to promote the elimination of these weapons.●

MENTAL ILLNESS AWARENESS WEEK

● Mr. D'AMATO. Mr. President, I rise today in support of Senate Joint Resolution 55, a joint resolution designating the week of October 1-7, 1989, as Mental Illness Awareness Week. I commend my colleague from Illinois, Mr. SIMON, for taking the lead in this effort to focus public attention on the concerns surrounding mental illness and the advances that have been made in treating this disease.

The impact of mental illness is felt throughout our society. Every year, between 31 and 41 million Americans experience significant disability with respect to employment, attendance at school, or independent living as the result of a clearly diagnosable mental disorder. More than 10 million Americans are disabled for extended periods of time by schizophrenia, manic depressive disorder, and major depression. Mental illness is a major contributor to homelessness; it is estimated that between 30 and 50 percent of the homeless suffer from serious, chronic forms of mental illness. The elderly are particularly vulnerable to mental illness; nearly one-fourth of the elderly who are thought to be senile actually have treatable mental disorders. Mental illness also impairs the healthy development of as many as 12 million of our children. All told, mental illness costs our Nation $106.2 billion annually in health care expenses and lost productivity.

Fortunately, research in recent decades has led to a wide array of treatments for some of the most incapacitating forms of mental illness, including schizophrenia, major affective disorders, phobias, and phobic disorders. These treatments—which may be pharmacological, behavioral, or psychosocial—have been demonstrated to be highly effective. Nearly two-thirds of all mentally ill patients show significant signs of recovery with their initial treatment. Moreover, appropriate treatment of mental illness can result in restored productivity, reduced utilization of more costly medical services, and lessened social dependence—all of which help reduce the cost of mental illness to society.

By informing the public that mental illness is a disease—and that it can be treated—we can do much to diminish the fear and misunderstanding that commonly surrounds this disease. I commend Mr. SIMON for drawing attention to this disease and for recognizing the role of research in helping us to understand and treat mental illness. I encourage my colleagues to support this joint resolution, and I urge its immediate passage.●

MARTIN LUTHER KING, JR., HOLIDAY COMMISSION

● Mr. BIDEN. Mr. President, I am pleased to join Senator NUNN as one of the 29 original cosponsors of S. 431, a bill that would reauthorize the Martin Luthur King, Jr., Holiday Commission. Under the bill, the Holiday Commission, which was established in 1984 by Public Law 98-399, would be reauthorized for a period of 5 additional years. The enactment of this measure is necessary to ensure that the King Commission can continue its fine work in encouraging appropriate nationwide ceremonies relating to the annual observance of the holiday honoring Dr. King. It is indeed impressive that in the short period since its establishment, the Commission now coordinates special commemorative events in all 50 States and in more than 140 nations around the world. In addition, the Commission has also provided invaluable advice and assistance to Federal, State, and local governments, and to private organizations regarding the observance of the holiday.

As Senator NUNN noted when introducing this bill, the celebration of Dr. King's birthday provides a time for all Americans to reflect on the principles of racial equality and nonviolent social change espoused by Martin Luthur King, Jr. The Holiday Commission has played a particularly significant role in instructing the youth of our Nation on the importance of educational excellence, community service, and peace and justice. This significant work must continue.

Although the Commission has operated very effectively since its inception in 1984, it has done so with private donations and appropriate fundraising activities. However, Mr. President, the time has come for the Commission to receive a modest annual appropriation to continue its work. Even in these budget-conscious times, a $300,000 annual appropriation is a minimal amount of money. More importantly, the assurance of a Federal appropriation will enable the Commission to devote its time to carrying out its congressional mandate, rather than exerting and exhausting its energies on continual fundraising activities.

I am encouraged that more than a quarter of the Senate has joined in cosponsoring this worthy proposal. In addition, it is my understanding that President Bush has declared his support for a permanent King Holiday Commission. I am pleased this bill is being supported by the Bush administration.

As chairman of the Judiciary Committee, which will consider S. 431, I will do everything possible to ensure the prompt review of this important bill.●

THE IMMIGRATION AND NATIONALITY ACT

● Mr. D'AMATO. Mr. President, I rise to cosponsor S. 358, a bill introduced by Senators KENNEDY and SIMPSON to reform our legal immigration system. The Senate adopted identical legislation in the last session by an overwhelming vote of 88 to 4. That bill was the product of bipartisan compromise achieved in the Judiciary Committee. Unfortunately, the House did not consider it before the 100th Congress adjourned.

The authors of this legislation have attempted to structure a system that more accurately reflects our Nation's priorities for legal immigration. In addition to reaffirming the tradition of family reunification, the bill corrects

an inequity in the present system and seeks to stimulate immigration among those with needed skills.

S. 358 establishes a national level of immigration within which all new permanent entrants would be counted. The cap for the first 3 years will be 590,000, 100,000 over current levels.

Within this ceiling, the bill creates two categories for preference immigrant visas: One for close family members, 470,000 and another for independent immigrants, 120,000. The family connection preference system is adjusted to give greatest priority to the closest family members.

The bill also provides an additional 30,000 visas for 3 years to reduce the existing backlog in the preference for brothers and sisters of adult U.S. citizens.

The new category for independent immigrants makes visas available to those with skills and to those with no family connections in the United States. The bill provides for an additional 55,000 visas, and the current preferences for professional and skilled workers is retained. Priority for the additional 55,000 visas will be established by a point system.

Our present immigration system emphasizes the very worthwhile goal of family reunification, therefore giving preference to the sons and daughters of U.S. citizens and to the spouses and unmarried sons and daughters of permanent resident aliens.

Unfortunately, it also creates painful, and even tragic problems for Irish, Germans, Italians, Poles, and others without immediate family members in the United States. Many such individuals have watched their dreams of becoming American citizens fade, and eventually die, because the years of large-scale immigration from these lands are long past.

S. 358 recognizes that these deserving people have been left out, in fact, inadvertently discriminated against, by the present system. The point system for visa priority set forth in the bill places heavy emphasis on education, English langauge 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.

The creation of this category is a provision I strongly support. In working with this legislation, I intend to explore ways to make it even more comprehensive. Opening the gateway of opportunity to more of these deserving individuals could only enhance our productivity and vitality as a culture. Our Nation would be richly rewarded by the extraordinary talents, energy, motivation, and educational achievements of these would-be citizens.

I also support this bill's requirement that the administration review the social and economic effects of immigration on our country, and if necessary, propose revisions of the national level of immigration at least every 3 years.

I commend my colleagues, Senators SIMPSON and KENNEDY, for their persistence, leadership, and clear commitment in crafting this bipartisan reform to our legal immigration system.●

ESTONIANS AND LITHUANIANS CELEBRATE THEIR INDEPENDENCE

● Mr. DECONCINI. Mr. President, February is an important month for Estonians and Lithuanians around the world. On February 16, Lithuanians celebrate their independence, while on February 24 it is the turn of the Estonians. This year is the first time that the Soviet authorities have permitted public celebrations of the independence of the pre-Soviet states of Estonia and Lithuania—in striking contrast to their previous behavior.

Many thousands of people in Estonia and Lithuania turned out to celebrate their independence, capping a remarkable year of public activism, involving hundreds of thousands of people, which sprang up in the Baltic States. The Soviets did not attempt to hinder the public expressions of the long-held Estonian and Lithuanian desire for freedom. Unfortunately, however, I must note that eight Lithuanian-Americans were denied—reportedly on Moscow's orders—Soviet visas to attend independence day celebrations. Such actions do not bode well for Soviet responses to visa requests for the Moscow human rights meeting in 1991.

The year 1988 will long be remembered in Estonia and Lithuania: Leading political prisoners, such as Enn Tarto, Viktoras Petkus, Mart Niklus, and Balys Gajauskas, were released after many years of imprisonment; new nationalist groups were formed, such as the Lithuanian Liberty League and the Estonian National Independence Party; the first mass political action organizations were founded: The Estonian Popular Front and Sajudis, the Lithuanian Movement to Support Perestroika.

Political activism in Estonia and Lithuania has gone even further than massive demonstrations and powerful new political organizations. The spirit of independence has spread to official bodies as well. In a brave defiant move, the Estonian Supreme Soviet voted to reject new constitutional amendments on the grounds that they would further restrict Estonian rights vis a vis the Kremlin. Although this effort was rebuffed, the Estonians continue to press for their program of legal reforms. And in Lithuania, Sajudis issued an independence day statement which in effect calls for eventual independence.

In conclusion, let me extend my congratulations to all Americans of Lithuanian and Estonian background on their independence days. I hope that recent events in the two proud countries of Estonia and Lithuania—as well as in Moscow—portend that history is moving toward greater human and national liberty in that part of the world.●

NATIONAL CHILD CARE AWARENESS WEEK

● Mr. D'AMATO. Mr. President, I rise today to cosponsor Senate Joint Resolution 50, a joint resolution designating the week of April 2, 1989, as "National Child Care Awareness Week." I commend my colleague, Senator BOSCHWITZ, for helping to bring the problem of child care to national attention.

The composition of the American family is changing. Today, fewer than 10 percent of families are what was once considered the typical American family with the mother staying home and the father working. The upsurge in the number of women in the work force has been dramatic: In 1950 only 12 percent of women with children under age 6 worked, today, 57 percent do.

The family is the cornerstone of our Nation. Today's children, who will come of age in the 21st century, are our Nation's future. Many of them will have to overcome obstacles like broken homes, poverty, drugs, and troubled schools with high dropout rates. Studies show that early childhood intervention is the best hope for at risk children. We owe to these children the best in child care and must make it affordable to their parents.

Mr. President, this joint resolution highlights an issue of importance to millions of American families. I am encouraged by the emerging bipartisan commitment to finding a workable solution to the child care dilemma. I urge my colleagues to join me in cosponsoring Senate Joint Resolution 50.●

MANUEL J. CORTEZ

● Mr. BRYAN. Mr. President, I rise before you today to commend one of the State of Nevada's finest citizens, Clark County commissioner, Manuel J. Cortez, whose impressive record of contributions to the southern Nevada community makes him a worthy recipient of the Third Annual New Mexico Club of Nevada Distinguished Award being bestowed upon him.

Born in Las Cruces, NM, and a resident of the State of Nevada since 1944,

Commissioner Cortez has spent most of his adult life actively involved in the administration of Clark County. Prior to taking office in 1977 as county commissioner, Mr. Cortez was appointed to serve as the administrator of the Nevada Taxicab Authority. Previous to this appointment, he worked in both the Clark County Public Defender's Office and in the Clark County District Attorney's Office.

Manny is a former chairman and vice chairman of the county commission, and as a commissioner, also serves on the following boards: Las Vegas Valley District Board of Directors; University Medical Center Board of Trustees; vice chairman of the Clark County Liquor and Gaming Licensing Board; vice chairman of the Clark County Sanitation District Board of Trustees; Big Bend Water District Board of Trustees; Kyle Canyon Water District Board of Trustees; and chairman of the Las Vegas Convention and Visitors Authority.

A short list of some of Manny's past accomplishments include: President of the Nevada Association of County Commissioners; chairman of the Clark County Board of Commissioners; chairman of the Clark County Liquor and Gaming License Board; chairman of the Clark County Sanitation District Board of Trustees; vice chairman of the University Medical Center Board of Trustees; and vice chairman of the Metropolitan Police Committee on Fiscal Affairs.

Manny is also an active member in a variety of civic organizations, including: the Boys and Girls Clubs of Clark County and the Big Brothers and Big Sisters of Southern Nevada, among others. He also works closely with the Las Vegas Metropolitan Police Department, the Nevada Division of Aging, and Public Defender's Office on problems relating to senior citizens.

Besides his illustrious public service career, Manny and his wife Joanna have raised two fine children, Cynthia Ann and Catherine.

It is then with great honor and pleasure, Mr. President, that I commend this fine Nevada citizen, Clark County commissioner Manuel J. Cortez, as he receives the 1989 New Mexico Club of Nevada Distinguished Award.●

NAMIBIAN PEACEKEEPING FORCES

● Mr. SIMON. Mr. President, I hope we will act quickly on the question of funding for Namibian peacekeeping forces of the United Nations.

But there is concern that I heard expressed when I was in Africa recently about the size of the U.N. force.

It has been tentatively reduced from 7,500 people to 4,500.

Namibia is a substantial country in size, approximately twice the size of California.

To assume that 4,500 people can adequately take care of the transition there, I hope is valid, but there are understandably deep concerns.

I ask to insert into the RECORD a letter from the church leaders of Namibia to the Secretary-General of the United Nations and a resolution that they adopted.

I urge my colleagues to read it, and I urge those in the administration of the United Nations to monitor this situation carefully so that if additional forces are needed, we move with those forces immediately.

The material follows:

[Telex]

From: Windhoek, Namibia, Routed VIA Namibia Communications, Centre, London.
Date: 16th January 1989.
To: The United Nations Security Council.
From: The Executive Committee of the Council of Churches in Namibia (CCN), representing over 900,000 Namibian Christians.

RETAIN UNTAG GROUP AT 7,500

We, the leaders of the Namibian churches, make a desperate and urgent plea to the members of the United Nations Security Council to retain the size of the United Nations Transitional Assistance Group at 7,500 and not to reduce it in any way.

Our plea is made desperate by our conviction that the independence process in Namibia will be seriously jeopardised if the UNTAG force is reduced.

Our conviction is based on our awareness of what is now happening in Namibia. We have strong reasons to believe that:

1. Arms are being cached at strategic places in Namibia by forces unfriendly to Namibian independence.

2. Some people in Namibia are being supplied with arms in order to destabilise the independence forces.

3. Young Namibians are not only being recruited but are being integrated into the present military groupings in Namibia. They are being subjected to anti-Namibian propaganda and training.

4. UNITA members are being issued with Namibian citizenship documents to enable them to vote against SWAPO.

5. The South West African radio and television services and the core government press are continually producing biased propaganda aimed at influencing the cause of elections in Namibia.

6. The South African military build-up is continuing in northern Namibia. Long convoys of army trucks are seen moving north even in Kavango. New 'police stations' are being built in Ovamboland with the South African flag flying higher.

7. Members of Koeovet, the brutal South African counter-insurgency force, are to be integrated into the regular police force.

8. Police and army forces are already campaigning for elections. They call people to meetings, offer to plough their field or provide piped water. This must be urgently and adequately monitored by UNTAG members or the elections will be unfairly influenced.

9. If the UNTAG force is reduced the Cuban withdrawal, already begun in good faith, will be seized by certain parties at any opportunity to bolster UNITA, hurt Angola and allow South Africa to retain its grip on Namibia.

10. The South West African Administrator General's proclamation of white elections on 1st March 1989 will further confuse the independence process.

Thus we are convinced that to reduce the size of the UNTAG force will seriously jeopardise the Namibian independence process and that the proposed elections will not be free and fair. The Namibian people will be left at the mercy of the South African forces and the whole of Southern Africa will remain unstable.

In addition, the delay occasioned by the Security Council debate is frustrating the planning and fundraising of well-intentioned people here. The repatriation programme is especially at risk. This delay in itself may weaken the effectiveness of the independence process in Namibia.

We therefore plead with the United Nations Security Council most desperately and urgently that the UNTAG be held at 7,500 and this force be constituted and established in Namibia without delay.

Signed:

The Rt. Rev. Hendrik Frederik (President, Council of Churches in Namibia, Bishop of the Evangelical Lutheran Church).

Dr. Abisai Shejavali (General Secretary, Council of Churches in Namibia).

The Rt. Rev. James Kauluma (Anglican Diocese of Namibia).

The Rt. Rev. James Prinz (Methodist Church).

The Rev. Peter Lamoela (United Congregational Church).

The Rt. Rev. Kleopas Dumeni (Evangelical Lutheran Church in Namibia).

The Rt. Rev. Bonifatius Haushiku (Roman Catholic Church).

The Rev. Bartolomeus Karuaera (African Methodist Episcopal Church).

JANUARY 21, 1989.

To: The Secretary General of the United Nations.
From: An emergency meeting of the Executive Committee of the Council of Churches in Namibia (CCN).

SIR: Having just received information from New York concerning the present impasse in the Security Council, which poses a threat to the implementation of Resolution 435, we have convened today in Windhoek and wish to make the following statement further to our telex of 16 January 1989:

1. We confirm the contents of our above mentioned telex and wish you to know that we are extremely worried over what we see as a critically urgent situation in the proposed reduction of the UNTAG military component from the original 7,500 to 4,500.

2. Considering that the resolution 435 is a child of the Security council and has stood for ten solid years, it is to our disappointment and beyond our understanding that the Security Council (and particularly the five permanent members), who knew all along what the costs would be, should now appear to renege on their own agreement. We appeal especially to those countries who have from the beginning been champions of the cause of Namibia in the Security Council to continue in their support and not to desert us in this last and crucial hour.

3. If this matter is merely concerned with finance, we beg that consideration be given to the terribly high price already paid by Namibians in their struggle for freedom, and to the inestimable cost that would be paid should one life be lost because there were not enough members of the UNTAG

group to monitor and control the already known excesses of those disposed towards the South African system. A cheaply acquired settlement will ultimately prove astronomically costly to this region, and consequently to our trading partners. The ultimate choice is between South African colonialism and Namibian freedom.

4. We are deeply concerned at the size and unmonitored activities of the South West African Police (SWAPOL) forces which are known to be surrogates of the South African racist regime. The number of these forces should be known and specified and limited. The threatened reduction of the UNTAG military component from a minimum of 7,500 would allow the SWAPOL forces unbridled control over the election process.

5. We express our gratitude to the Secretary General, the member countries of the non-aligned nations, and the members of the African group for the position they have taken, for their understanding of our situation, and their sympathetic action on behalf of the Namibian people. In particular we express our admiration for General Prem Chand of India, for his witness for and support of the Namibian people's desire for a peaceful settlement with justice and dignity for all.

6. Please do not cut the costs on Namibia's future. Please do not reduce the UNTAG military component.

Signed:

The Rt. Rev. Hendrik Frederik (President, Council of Churches in Namibia [CCN], The Evangelical Lutheran Church).

Dr. Abisai Shejavali (General Secretary, Council of Churches in Namibia).

The Rt. Rev. Bonifatius Haushiku (Roman Catholic Church).

The Rt. Rev. James Kauluma (Anglican Diocese of Namibia).

The Rev. Bartolomeus Karuaera (African Methodist Episcopal Church).

The Rev. K. Shuuya (Evangelical Lutheran Church in Namibia).

The Rev. J. Massey (The Methodist Church of Southern Africa).●

SHARING UNITED JERUSALEM

● Mr. SIMON. Mr. President, through the years, I have visited Israel many times and have met every Prime Minister from David Ben-Gurion on.

But strangely, until my last visit to Israel, I had not met Mayor Teddy Kollek. He was always out of the country when I was there, or we were not able to get together.

Finally in my last visit, my friend Bob Asher arranged that my wife and I could get together with the Ashers and with Mayor Teddy Kollek for dinner one evening.

He is a refreshing, practical voice in Israel. And he reaches out to others in a marvelous way. The evening we were with him he had to leave somewhat early because he was going to some type of Greek Orthodox event.

Recently, Foreign Affairs magazine printed an article by him, "Sharing United Jerusalem."

You do not have to agree with every item in the article to recognize it contains a great deal of practical wisdom, which we have come to expect from Mayor Teddy Kollek.

I urge my colleagues in the House and the Senate to read his fine article.

At this point, I ask that this article be inserted in the RECORD.

The article follows:

SHARING UNITED JERUSALEM

(By Teddy Kollek)

The world's perception of the Arab-Israeli conflict and, indeed, much of its substance have been significantly altered by recent events in the West Bank, the Gaza Strip and Jerusalem. Eleven months of unrest and King Hussein's severing of the links between Jordan and the West Bank, have created a new and fluid situation. These events are focusing the world's attention on the need for new policies after twenty years of waiting in vain for Arab governments or Palestinian representatives to come to the peace table.

Thinking about new policies for Israel's relations with the Arab states and with the Palestinians should start with Jerusalem. On one hand, there is wide agreement that Jerusalem must be the last item on the agenda of any negotiations, because whatever is decided to be the fate of the West Bank will affect arrangements in Jerusalem. On the other hand, Jerusalem's importance is such that no negotiations can even begin as long as any one of the parties is persuaded that there is no possible reconciliation of the various interests concerning Jerusalem. After 21 years of administering Jerusalem as one city, we know that all communities, but in particular the Arab one, need a much larger measure of self-administration, autonomy or functional sovereignty. The municipality needs much more of the authority now vested in the government of Israel so that it can share this local authority with the communities and the neighborhoods. Our law on local governments is essentially the one we inherited from the British: introduced in Mandatory Palestine in the 1930s, it is based on the nineteenth-century municipal code of British India, designed to grant a minimum of authority to the "natives" and a maximum to the central government.

Changes are long overdue. They could and should be implemented independently of political developments elsewhere, and without waiting to see what will be the future of the West Bank and Gaza. The future of Jerusalem is to remain united and the capital of Israel, under the overall sovereignty of Israel. There is, however, room for functional division of authority, for internal autonomy of each community and for functional sovereignty. This would go a long way toward showing that a Jerusalem united and shared is not an obstacle to negotiations; on the contrary, it would be a significant contribution to the creation of a climate conducive to constructive bargaining.

II

Arab neighborhoods in East Jerusalem are no longer part of the West Bank. This situation has come about for several reasons, including the incorporation of East Jerusalem within Israel in 1967 and the 89,000 Jews living in new neighborhoods beyond the former armistice line. The main reason, however, is that the past twenty years have seen more change for the better for more people than did the previous two thousand years. These changes include some things that are commonplace in developed countries but less so in the Middle East: running water, sewers, public health services, low infant mortality, schooling for girls, voting rights for all adults, the right to join a trade union, religious freedom for all, a free press, excavation and preservation of archaeological sites and restoration and care of historic monuments. The world has recognized this in the last few years: even the automatic majority of the United Nations Educational, Scientific and Cultural Organization (UNESCO) has toned down its routine condemnations of our efforts to preserve Jerusalem. These are but beginnings; much remains to be done.

Jerusalem's Arab community has made great progress. The most important and obvious indicator is its size: from an unchanging 70,000 between 1948 and 1967, it reached 132,000 in 1986 and is about 150,000 today, all but 15,000 of whom are Muslim. The corresponding Jewish population figures are: 100,000 in 1948, 200,000 in 1967, 336,000 in 1986 and about 350,000 today. Of course, a minority always feels it is the target of discrimination; the 90,000 ultra-Orthodox Jews in Jerusalem feel that way, too—as do the ultra-secular Jews. And Arabs naturally compare their conditions today with the prosperous new Jewish neighborhoods rather than with their own situation before 1967.

How different East Jerusalem is from the West Bank can be seen in the nature of the recent unrest, the *intifadeh*. One Arab youth killed, one policeman grievously injured, one young Jewish woman badly burned—these are the casualties recorded in Jerusalem during the months since December 1987 in which the *intifadeh* leadership has tried to import the uprising into Jerusalem. Only in the dozen villages that were incorporated into the Jerusalem municipality after 1967 did the movement receive a significant measure of support. In these villages a different kind of Arabic is spoken; education levels are lower; occupations are rural in character; the inhabitants are poorer; and Islamic fundamentalism is stronger; moreover, Jewish and Arab homes are often next to one another, without clear communal boundaries. It is the names of these villages that most often appear in the news when children and youths burn tires and throw rocks—A-Tur, Issawiya, Sur Baher, Shuafat, Beit Hanina, Silwan, Djebel Mukabber—although, at times, youths from these villages take their protest briefly into downtown East Jerusalem.

Another essential difference between Jerusalem and the West Bank is that the latter is administered by a special Israeli administration under the much harsher Jordanian civil law and under Israeli emergency regulations, inherited from the British; law and order is enforced there by the army under the supervision of military tribunals. All of Jerusalem is under the quite different Israeli law, administered by Israeli courts and enforced by the police. This means that the Arabs of Jerusalem are treated or have the right to be treated just like the Jews and all other citizens and residents of Israel.

Obviously, the same legislation and the same government and municipal regulations apply to Arabs and Jews alike; the judical system's lack of any discrimination is manifest and recognized by the Arabs. It is in government administration and law enforcement on the lower levels that equal treatment often lags behind the letter of the law. In any multi-ethnic city a minority always has to struggle for equal treatment from the city administration, even when there is no war and terrorism involved. In Jerusalem, the municipality is on the side of all minorities, and is handling cases of discrimination and harassment brought to its attention. It is not a question of equal rights but

a question of good will and a question of time—and the Arabs and the other minorities know it, even if they sometimes suffer unjustly and impatiently.

III

A major and ever-present Arab concern, long antedating the *intifadeh*, is the suspicion that the basic intention of the Israeli government is to obliterate the Arab component in the city's character. While one can understand why the Arabs would feel this way, the facts are very different. We have been protecting the Arab aspect of Jerusalem and transferring attributes of functional sovereignty to the Arabs ever since reunification.

After the 1967 war, initiated by Jordan's full-scale attack against the Jewish quarters of Jerusalem, we gave the Arab inhabitants the choice between accepting Israeli citizenship (few opted for this choice) or retaining their Jordanian citizenship—which had been imposed on them by Jordan during its 19-year occupation of the eastern parts of the city.

This would be inconceivable anywhere else in the modern world. Whenever a city or a territory changes hands, the general rule is to bestow the new sovereign's citizenship upon the population, or to forcibly expel or, at best, exchange it. The inhabitants of Alsace-Lorraine were subject to this treatment more than once, and this century knows many examples of such exchanges and explusions. The very first step is usually to force upon the inhabitants who remain an oath of allegiance to the new sovereign, as well as his citizenship, language and history books. We, instead, let those who so chose retain their Jordanian citizenship—and at the same time gave them the right to vote in Jerusalem municipal elections.

We in City Hall eventually succeeded in persuading our national government to introduce the Jordanian curriculum in the publicly funded city schools in the Arab neighborhoods. Thus, Arab graduates of our school system have access to universities all over the Arab world and qualify for Arab League scholarships. The Ministry of Education in Amman determined the curriculum, and we only removed blatant anti-Israeli and anti-Jewish bias from Jordanian and United Nations Relief and Works Agency textbooks.[1]

The Arab press is another enhancement of the Arab character of East Jerusalem and contribution to the autonomy of the Arab community. Since all of Jerusalem is part of Israel, Israeli law applies and both the Arab and the Jewish press are free, subject to military censorship. Though there are justified complaints that censorship is harsher on the Arab press, the fact is that there is no freer Arab press in the Middle East—and it must be remembered that no newspapers were published in East Jerusalem at the time of reunification in 1967. Today, four Arab dailies and a number of weeklies are published. It is true that from time to time an Arab paper runs into trouble; but on the other hand, a new addition to the Arab press, the weekly *an-Nahar*, became a daily quite recently.

The most important symbols and possessions of the Muslim Arab community of Jerusalem are the two mosques on the Temple Mount, the Dome of the Rock and al-Aqsa Mosque.[2] Immediately after the 1967 war Israel's military and political leaders assured Muslim and Christian dignitaries that all their rights would be respected as in the past.[3] These promises have been kept, even though difficulties occasionally have risen regarding the Temple Mount. Some nationalist Jewish groups in Israel, defying the government and the Supreme Court, claim the right to pray on the Temple Mount, stirring Muslim fears.[4] The Temple Mount's sanctity in Judaism may be one reason for the Muslims' suspicions and apprehension of Jewish encroachment and expropriation: as they cannot envision allowing "infidels," either Jews or Christians, to hold a Muslim holy place, they have no trust in Israel's accommodating attitude.

Jerusalem's Arabs will obviously continue to have strong links with the West Bank and with the rest of the Arab world. We see these links as an important factor for the maintenance of an autonomous Arab culture in Jerusalem. Each summer, over 100,000 Palestinans come freely to the West Bank and to Jerusalem from Arab countries which are at war with us, such as Jordan, Iraq, Saudi Arabia. These are mostly first- second- and third-generation Palestinian emigres who return on family visits.

To sum up: the Arab presence in Jerusalem has been not harmed but strengthened since 1967. Evidence for this, together with the thriving Arab press and the restoration of Islamic historical monuments, includes the numerous educational and cultural institutions forming the Islamic University of Jerusalem; the Islamic college and library at al-Aqsa Mosque; the theological seminary in Beit Hanina; the school of social work in downtown East Jerusalem; the school of nursing in al-Bireh; and the college of science in Abu Dis.

IV

All this is as it should be in Jerusalem. The accent has traditionally been on the self-segregation of independent, organic and historical communities, each with its religion, language, literature, history, dress and food. This is why for centuries the Old City has been divided into four separate quarters: Christian, Armenian, Jewish and Muslim. For centuries these communities lived in greater or lesser harmony with each other.

The notion of "separate but equal" education was justly discredited in the United States because it was not equal and because the separation was imposed by the majority. The voluntary "separate and equal" tradition of the Old City spread out beyond the walls in the late nineteenth and early twentieth century. Today, among the Jewish population, we see clear signs of change: hailing from 103 diasporas, so vastly different, the Jews are gradually but steadily forming one cohesive, distinct national group. Even so, almost a third of the Jewish population lives in strictly separate ultra-Orthodox neighborhoods. Among the Arabs a similar process is taking place. People from the outlying Arab villages of Jerusalem show some signs of adjustment to the urban Arab society, but they are still known to each other as *Jozi*, "from Wadi Joz," or *Turi*, "from Abu Tor." They identify with their village communities and do not speak of themselves as *Qudsi*, "from the Holy City." Christians identify with one of the forty denominations present in Jerusalem, and one cannot speak of a single Christian community, only of the Greek, the Latin, the Armenian and other communities. Jerusalem is not a melting pot, nor does anyone see integration or uniformity as desirable or even theoretically possible, except within an individual community.

In this respect, a serious problem has developed in the Old City. In a test case, an Arab family which had owned a house in the Jewish Quarter prior to 1948 was denied the right either to rebuild it or acquire new housing in the reconstructed Jewish0 Quarter. The Supreme Court of Israel backed the government's decision, saying that homogeneous neighborhoods had always been a historical fact in Jerusalem, and that after all that had happened, the Jews were entitled to their exclusive quarter in the Old City.

Many of us assumed that this decision set the rules for the Muslim Quarter, too. However, in the past few years two Jewish religious schools, or *yeshivot*, moved into Muslim Quarter buildings owned by Jews since the end of the nineteenth century. These *yeshivot* sought to be as close as possible to the Temple Mount where, it is believed, the Messiah will appear at the End of Days.

Last December, one week after the outbreak of unrest in the West Bank and Gaza, Ariel Sharon, the minister of trade and industry and one of Israel's war heroes, moved into a Muslim Quarter building owned by Jews since 1884. His openly admitted purpose was to make a political statement to all and sundry that Jews had the right to live anywhere in Israel, including the Muslim Quarter. This move added to the tension in Jerusalem, was perceived by many Israelis as a provocative act, and clearly aroused Arab fears and suspicions that the Jews who come to live among them are trespassers intent on driving the Muslims out, one building at a time, from the Old City and from all of Jerusalem.

I believe that all of our diverse neighborhoods must be preserved accordng to the wishes of their present inhabitants. I oppose the *yeshivot* while understanding their motivations. I oppose and do not want to understand the provocation by Mr. Sharon.

Another major and related Arab concern is new housing for the expanding population. Jewish groups not larger than the Muslim community, the ultra-Orthodox *haredim*, have succeeded in having entire new neighborhoods built exclusively for them, with synagogues, ritual baths, traffic interdictions on the Sabbath and other religious requirements. The *haredim* are represented on the City Council and are able to form political alliances to further their interests.

[1] This will probably not change in the wake of King Hussein's severance of links with Palestinians west of the Jordan.

[2] Unlike the cities of Mecca and Medina, where no non-Muslim is allowed—even today—under penalty of death, not all of Jerusalem is sacred in Islam, only the mosques on the Temple Mount.

[3] Moshe Dayan, then minister of defense, had already started this process by ordering the removal of the Israeli flag from the minaret of the al-Aqsa Mosque one day after the fighting stopped in the Old City. He was also the moving spirit behind the immediate removal of the anti-sniper walls and the mine fields, and he convinced the government to allow unrestricted traffic throughout the city within a fortnight.

[4] Access, except during times of Muslim prayers, is of course free to all religions and nationalities, as it is to the Jewish and Christian holy places. Large numbers of tourists still visit the Temple Mount uninfluenced by the *intifadeh*, and the entrance fees for the two mosques contribute substantially to their upkeep. During the 19 years of Jordanian rule, no Jews of any nationality were allowed into the Old City; Muslims with Israeli citizenship were not allowed to visit the holy places, and Christians with Israeli citizenship were allowed to visit only Bethlehem and only on Christmas.

I deeply regret the fact that there are no Arabs on the City Council. Under Israeli law, citizens of other countries residing in Israel have the right to vote in municipal elections, and this of course applies also to all Jerusalem Arabs aged 18 and older, even when they are Jordanian citizens.[5] Arabs have made increasing use of their right to vote, in spite of threats appearing in the Arab media, but those who have wanted to stand for election have been subject to a greater danger. Last year Hanna Siniora, a Christian Arab journalist, announced his intention to run at the head of a party list, but although he is a sympathizer of the Palestine Liberation Organization, he was denounced by the Arab media, his family's two cars were burned and he received death threats until he reversed his decision.

This sorry situation means that either I or a colleague in my "One Jerusalem" coalition must represent the Arab population and look after its interests. My argument is that the Arabs are Jerusalemites and taxpayers. But we are a poor city with very limited resources, and each faction on the council tries to obtain a maximum of the resources for its constitutents. Arab councilors, vociferously stating their demands, would paradoxically help return the peace and we need and make it easier to obtain resources for the Arab sector, including new housing.

V

The basic dilemma that confronts us in the governance of Jerusalem is this: we are trying to run a democratic municipal administration in a city where most of the population, Jewish and Arab alike, lacks democratic traditions. Jews from Muslim countries from Afghanistan to Morocco, from Eastern Europe and Latin America have always distrusted the state apparatus; they survived by creating self-contained communities whose leaders represented them to the outside world and the state. The same is true of the forty Christian groups which have always lived under their religious hierarchies.

Nor could the Muslims of Jerusalem ever fully identify with their rulers: the Turks were Muslims, but under their administration the Muslim Arabs were only marginally better off than the Jews and the Christians. The British were "infidels"; and the Jordanians considered Palestinians second-class citizens, especially those in Jerusalem whom they correctly saw as opposed to the Hashemite regime. During Jordanian rule, migrants from the town of Hebron became a majority in Arab Jerusalem, changing the character of the city, and the native Christian communities declined to one-half of what they were in 1948, continuing a trend of emigration dating from the beginning of this century. Emigration of the affluent and the educated, caused by the lack of economic, professional and political opportunities, left Jerusalem's Arabs without a strong middle class.

None of these factors is favorable to the development of democratic habits. But even if all Jerusalemites actively participated in the democratic process, the city administration would still be unable to deal with many problems because, as mentioned above, the present Israeli law on municipalities leaves very little power to the city government.

To encourage citizens' involvement, neighborhood councils called *minhalot* were formed some eight years ago and exist today in a dozen Jewish and Arab neighborhoods. The present law prevents us from giving these councils much legal authority, so we established them as nonprofit associations in the hope that they would promote participatory democracy. *Minhalot* proved very effective as intermediaries between the individual or the family clan and the municipality. The quality of life in several Jewish and Arab neighborhoods was improved by the practical proposals of the *minhalot* for allocation of municipal resources or for modifying planning decisions.

Because they are not political entities, *minhalot* are not subject to objection on grounds of sovereignty or nationalism and can contribute to efficient planning and to peaceful resolution of conflicts. *Minhalot* were therefore acceptable to the Jordanian authorities before the severance of ties, and in some instances Jordanian as well as Israeli funding went to projects in Arab neighborhoods.

An expanded system of *minhalot* could eventually play a role in a permanent arrangement by becoming the framework for self-administration by the different autonomous communities within one municipality. Direct elections to the *minhalot* can assure that each neighborhood's religious, linguistic, ethnic, cultural, educational and economic character will be determined as in the past by its inhabitants and their customs and traditions—an important factor for peaceful coexistence.

Just how tragic the situation was in divided Jerusalem between 1948 and 1967 is mostly forgotten today, because the vast majority of Jerusalemites are too young to have seen the walls cutting through the city. Yet almost no one, Jew or Arab, would seriously advocate a physical redivision of Jerusalem. There can be no geographic division of sovereignty.

I believe that further sharing of functional authority and greater decentralization within Jerusalem is possible and very desirable. Retention of Jordanian citizenship, granting the municipal voting right to citizens of countries at war with us, the minhalot as frameworks for decentralization, the fully autonomous Muslim administration of the Temple Mount, the use of the Jordanian/Arab League curriculum in the city schools for Arab children—all these features prove that Israel's sovereignty is not diminished by Arab autonomy, and that Israel's sovereignty need not interfere with the Arab community's institutions and economic, cultural and even political life. Internal and external security and foreign policy are probably the only essential security within a municipal police force, and Israeli policy toward the Arab world could be influenced by its resident Arab community.

A significant advantage of this approach is that functional division of authority can be accomplished without formal and public negotiations, which in the present circumstances are practically impossible. However, once new measures are introduced they affect the daily life of everybody and become almost a customary right of the beneficiaries. What the Israeli government could do—and what I am urging it to do—is to institutionalize existing measures and generously expand their application so that eventually there will come to exist a body of rights to replace the present ad hoc arrangements. Then, if other governments were to expres their support for such rights, we could have some of the "international guarantees" so often mentioned for Jerusalem.

VI

The time is ripe for changes that would have been unthinkable a few years ago. According to one theory, Egyptian President Anwar al-Sadat felt able to come to Jerusalem and eventually make peace only because of the elation Egypt experienced after its troops crossed the Suez Canal four years earlier. The subsequent crossing by Israel of the same canal and the threat to Cairo and to the Egyptian Third Army did not substantially affect this feeling of achievement.

The *intifadeh* may similarly affect the disposition of the Palestinians and enable them to enter negotiations with Israel. Even if the *intifadeh* loses intensity, its lasting effect could be a deep feeling of national satisfaction and pride. The *intifadeh* may also produce "homegrown" leaders more acceptable to Israel, in particular those who have rejected terrorism. If it ends otherwise, it will lose any positive effect it may have had.

At the same time, Israel's complacency of twenty years has been shaken and the necessity for changes is becoming clear to many Israelis. Once recognized, both sides' inability to attain all of their respective goals may convince them to enter negotiations. The arrangements tacitly implemented in Jerusalem could point the way to openly negotiated political compromises that will give neither side the feeling of success or failure, but will result in practical and livable (although not ideal) solutions.

At present no leaders can be said to represent the Jerusalem Arabs. The Supreme Muslim Council and other bodies were formed after 1967 to direct Muslim affairs in opposition to Israel, not in cooperation. Nevertheless, these bodies exist and enjoy a measure of authority. An ancient and influential institution is the Waqf, the religious foundation that administers Muslim holy places and owns large properties.[6] There are also members of centuries-old, venerable families who could regain the confidence of the Jerusalemite Muslim population: the Husseini, The Nashashibi, the Nusseibeh, the Khalidi, the Dajani and the Alami families; among the Hebronite community in Jerusalem are several established families which enjoy great respect, such as the Khattib and the Barakat families. The Christian Arabs have ecclesiastical hierarchies led by their respective patriarchs and bishops who have, to a high degree, kept their communities out of the conflict. Should the Arabs one day agree to discuss how they want to live in one undivided Jerusalem, they have leaders to negotiate the apportionment of authority to each community under Israel's overall sovereignty.

This is not utopia. For many generations there will remain some fear, resentment and

[5] In the 1983 elections, out of the 122,000 Muslim and Christian Arabs, there were approximately 58,000 adult men and women 18 years of age and above. Almost 15,000 voted and ten percent of them were women, an enormous change for the strongly traditional Arab society. They voted overwhelmingly for our "One Jerusalem" list, knowing that we will protect their interests as much as we can.

[6] As a part of King Hussein's severance of legal and administrative ties with the West Bank, all Jordanian civil servants and employees in the West Bank and Jerusalem were fired or forcibly retired by the Jordanian civil service, except those of the Waqf and of the Islamic tribunals, whose importance for the Muslims of Jerusalem and the West Bank was stressed as "embodying Islamic cultural presence" and "protecting both the holy Dome of the Rock and the al-Aqsa Mosque." The Waqf and the Islamic courts system, together with the *minhalot* in Arab neighborhoods, could provide the framework for communal autonomy.

religious fanaticism. Some Arabs will continue to deface Jewish tombs on the Mount of Olives as they do now from time to time, and as they did systematically after 1948 when Jewish gravestones were used for street-paving and latrines. Some Jews will insist on saying that there is no way of living with people who deface tombs and place refrigerators filled with explosive charges on busy downtown street corners. Such attitudes may last for a long time, but will eventually disappear—so we believe.

It is necessary to realize that this belief is not based on some sentimental, wishful thinking, but is a strongly felt conviction that pragmatically affects our day-to-day decisions. We recognize the existence of tension, hatred and violence, but we are guided by the decision to practice restraint, tolerance and understanding. We consider this a good investment, more than justified by the kind of Jerusalem we wish to see in the future.

Our vision has one major advantage favoring the building of this earthly new Jerusalem: it can be unilateral and still succeed, even if not everyone shares it. Its evolution depends on whether we are prepared to maintain our restraint in the face of cruel criticism, justified or unjustified, strictly avoid retaliation for violence, and ensure complete equality under the law. We must be realists and admit that violent incidents will occur and some among us may at times react violently. However, this should not mislead us into thinking that ours is an impossible task. The fundamental question is: Are we going to admit to ourselves that we have nothing to fear?

The flags that may fly from the mosques of the Temple Mount will not make Jerusalem less Jewish or more Muslim. Jerusalem is great enough for a few flags beside that of the State of Israel. We are here to stay, and deep in our hearts we know it, but it sometimes seems that we are uncomfortable asserting it. Fanatical minorities, such as Meir Kahane's movement or the Faithful of the Temple Mount, are born from a feeling of uncertainty, a remnant of the ghetto mentality, and from a lack of faith. Others have moments of uncertainty to which they react by making unnecessarily provocative statements.

We must be firm in declaring that the unity of Jerusalem, the capital of Israel, is beyond negotiation. But we must be sufficiently confident to announce that everything else is negotiable as a matter of course.

To sum up my modest proposal: we must make new and permanent arrangements in the city without waiting for negotiations on the national level, and we must do so independently of any such negotiations. Firmly embedded in the new status quo must be provisions for such important matters as the rights of the communities to internal self-administration in areas like education, welfare and sanitation; rights of communities to the geographical limits of their homogeneous neighborhoods as well as the authority to access their members for the cost of services, jurisdiction of each community's tribunals, the modalities of access to all holy places and the regulations of dress and behavior in them, jurisdiction over trespassers in the holy places, and any other matter of importance to each and every community. As defense and foreign policy will be reserved to the government of Israel, there should be no problem with sovereignty, real or symbolic, within one unified city.

We should expand the functional sovereignty and self-administration rights already transferred to the Arabs of Jerusalem. Those who think we should not are mistakenly afraid that we cannot afford it—but we decidedly can. The day we understand this we will be able to relieve legitimate Arab grievances without fear of showing weakness, and deal with violence without outraged surprise or feelings of failure.

It is clear that in the country's present mood, particularly after last month's elections, no government would be able to enshrine in law the rights of the non-Jewish minorities of Jerusalem, because a sufficient majority in the Knesset probably could not be mustered to pass such a measure. However, it may be feasible for the government to issue regulations empowering the municipality of Jerusalem to make such arrangements as are just and necessary. This would greatly calm Arab anxieties, especially if the government were to issue statements of intent and principle as to the main concerns of the Arabs, such as the Temple Mount, Jewish settlement in the Muslim Quarter of the Old City and new Arab housing outside the walls.

We of all people, who for two thousand years longed for Jerusalem, our historical and spiritual capital, must understand the feelings of the Arabs for Jerusalem, and realize that more time will have to pass until our vision of Jerusalem will be shared by the city's Arab residents. But we can make the waiting less difficult for all.●

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

● Mr. PELL. Mr. President, pursuant to the requirements of paragraph 2 of Senate rule XXVI, I ask to have printed in the CONGRESSIONAL RECORD the rules of the Committee on Foreign Relations for the 101st Congress adopted by the committee on February 28, 1989.

The committee rules follow:

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted February 28, 1989)

RULE 1—JURISDICTION

(a) *Substantive.*—In accordance with Senate Rule XXV.1(j), the jurisdiction of the Committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).
11. Intervention abroad and declarations of war.
12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
13. National security and international aspects of trusteeships of the United States.
14. Ocean and international environmental and scientific affairs as they relate to foreign policy.
15. Protection of United States citizens abroad and expatriation.
16. Relations of the United States with foreign nations generally.
17. Treaties and executive agreements, except reciprocal trade agreements.
18. United Nations and its affiliated organizations.
19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The Committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) *Oversight.*—The Committee also has a responsibility under Senate Rule XXVI.8, which provides that ". . . each standing Committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the Committee."

(c) *"Advice and Consent" Clauses.*—The Committee has a special responsibility to assist the Senate in its constitutional function of providing "advice and consent" to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

RULE 2—SUBCOMMITTEES

(a) *Creation.*—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the Committee and shall deal with such legislation and oversight of programs and policies as the Committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the Chairman or by vote of a majority of the Committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the Chairman or the Committee may refer the matter to two or more subcommittees for joint consideration.

(b) *Assignments.*—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the Committee may receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the Committee may serve on more than three subcommittees at any one time.

The Chairman and Ranking Minority Member of the Committee shall be ex offi-

cio members, without vote, of each subcommittee.

(c) *Meetings.*—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving expenses without prior approval of the Chairman of the full Committee or by decision of the full Committee. Meetings of subcommittees shall be scheduled after consultation with the Chairman of the Committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full Committee.

The proceedings of each subcommittee shall be governed by the rules of the full Committee, subject to such authorizations or limitations as the Committee may from time to time prescribe.

RULE 3—MEETINGS

(a) *Regular Meeting Day.*—The regular meeting day of the Committee on Foreign Relations for the transaction of Committee business shall be on Tuesday of each week, unless otherwise directed by the Chairman.

(b) *Additional Meetings.*—Additional meetings and hearings of the Committee may be called by the Chairman as he may deem necessary. If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Immediately upon filing of the request, the Chief Clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour of that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk shall notify all members of the Committee that such special meeting will be held and inform them of its date and hour.

(c) *Minority Request.*—Whenever any hearing is conducted by the Committee or a subcommittee upon any measure or matter, the minority on the Committee shall be entitled, upon request made by a majority of the minority members to the Chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

(d) *Public Announcement.*—The Committee, or any subcommittee thereof, shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearings, unless the Chairman of the Committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date.

(e) *Procedure.*—Insofar as possible, proceedings of the Committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the Chairman, in consultation with the Ranking Minority Member. The Chairman, in consultation with the Ranking Minority Member, may also propose special procedures to govern the consideration of particular matters by the Committee.

(f) *Closed Sessions.*—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person, or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

A closed meeting may be opened by a majority vote of the Committee.

(g) *Staff Attendance.*—A member of the Committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at Committee meetings.

Each member of the Committee may designate members of his or her personal staff, who hold a Top Secret security clearance, for the purpose of their eligibility to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14.

In addition, the Majority Leader and the Minority Leader of the Senate, if they are not otherwise members of the Committee, may designate one member of their staff with a Top Secret security clearance to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13 and 14. Staff of other Senators who are not members of the Committee may not attend closed sessions of the Committee.

Attendance of Committee staff at meetings shall be limited to those designated by the Staff Director or the Minority Staff Director.

The Committee, by majority vote, or the Chairman, with the concurrence of the Ranking Minority Member, may limit staff attendance at specific meetings.

RULE 4—QUORUMS

(a) *Testimony.*—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting a quorum of the Committee and each subcommittee thereof shall consist of one member.

(b) *Business.*—A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member from each party.

(c) *Reporting.*—A majority of the membership of the Committee shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the Committee unless a majority of the Committee members are physically present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 5—PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the Committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded.

RULE 6—WITNESSES

(a) *General.*—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the Committee.

(b) *Presentation.*—If the Chairman so determines, the oral presentation of witnesses shall be limited to ten minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) *Filing of Statements.*—A witness appearing before the Committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least 48 hours prior to his appearance, unless this requirement is waived by the Chairman and the Ranking Minority Member following their determination that there is good cause for failure to file such a statement.

(d) *Expenses.*—Only the Chairman may authorize expenditures of funds for the expenses of witnesses appearing before the Committee or its subcommittees.

(e) *Requests.*—Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The Chairman shall determine whether to grant any such request and shall notify the Committee members of the request and of his decision.

RULE 7—SUBPOENAS

(a) *Authorization.*—The Chairman or any other member of the Committee, when authorized by a majority vote of the Committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. When the Committee authorizes a subpoena, it may be issued upon the signature of the Chairman or any other member designated by the Committee.

(b) *Return.*—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled Committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the Chairman or any other member designated by him may convene a hearing by giving two others notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such hearing shall be to elucidate further information about the return and to rule on the objection.

(c) *Depositions.*—At the direction of the Committee, staff is authorized to take depositions from witnesses.

RULE 8—REPORTS

(a) *Filing.*—When the Committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) *Supplemental, Minority and Additional Views.*—A member of the Committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the Chief Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views.

(c) *Rollcall Votes.*—The results of all rollcall votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the committee.

RULE 9—TREATIES

(a) The Committee is the only committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for Senate advice and consent. Because the House of Representatives has no role in the approval of treaties, the Committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the Committee and remains on its calendar from Congress to Congress until the Committee takes action to report it to the Senate or recommend its return to the President, or until the Committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of Congress "shall be resumed at the commencement of the Next Congress as if no proceedings had previously been had thereon."

(d) Insofar as possible, the Committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

RULE 10—NOMINATIONS

(a) *Waiting Requirement.*—Unless otherwise directed by the Chairman and the Ranking Minority Member, the Committee on Foreign Relations shall not consider any nomination until 6 calendar days after it has been formally submitted to the Senate.

(b) *Public Consideration.*—Nominees for any post who are invited to appear before the Committee shall be heard in public session, unless a majority of the Committee decrees otherwise.

(c) *Required Data.*—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) in appropriate cases, the nominee has filed a confidential statement and financial disclosure report with the Committee; (3) the Committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the Committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the four preceding years; and (5) for persons nominated to be chiefs of mission, a report on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

RULE 11—TRAVEL

(a) *Foreign Travel.*—No member of the Committee on Foreign Relations or its staff shall travel abroad on Committee business unless specifically authorized by the Chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the Ranking Minority Member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the Committee within 30 days. This report shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded of Senate Rule XXXV.4 requiring a determination by the Senate Ethics Committee in the case of foreign-sponsored travel.

Any proposed travel by Committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking minority member prior to submission of the request to the Chairman and Ranking Minority Member of the full Committee.

When the Chairman and the Ranking Minority Member approve the foreign travel of a member of the staff of the committee not accompanying a member of the Committee, all members of the Committee shall be advised, prior to the commencement of such travel of its extent, nature, and purpose.

(b) *Domestic Travel.*—All official travel in the United States by the Committee staff shall be approved in advanced by the staff Director, or in the case of minority staff, by the Minority Staff Director.

(c) *Personal Staff.*—As a general rule, no more than one member of the personal staff of a member of the Committee may travel with that member with the approval of the Chairman and the Ranking Minority Member of the Committee. During such travel, the personal staff member shall be considered to be an employee of the Committee.

RULE 12—TRANSCRIPTS

(a) *General.*—The Committee on Foreign Relations shall keep verbatim transcripts of all Committee and subcommittee meetings and such transcripts shall remain in the custody of the Committee, unless a majority of the Committee decides otherwise. Transcripts of public hearings by the Committee shall be published unless the Chairman, with the concurrence of the Ranking Minority Member, determines otherwise.

(b) *Classified or Restricted Transcripts.*—

(1) The Chief Clerk of the Committee shall have responsibility for the maintenance and security of classified or restricted transcripts.

(2) A record shall be maintained of each use of classified or restricted transcripts.

(3) Classified or restricted transcripts shall be kept in locked combination safes in the Committee offices except when in active use by authorized persons for a period not to exceed two weeks. Extensions of this period may be granted as necessary by the Chief Clerk. They must never be left unattended and shall be returned to the Chief Clerk promptly when no longer needed.

(4) Except as provided in paragraph 7 below, transcripts classified secret or higher may not leave the Committee offices except for the purpose of declassification.

(5) Classified transcripts other than those classified secret or higher may leave the Committee offices in the possession of authorized persons with the approval of the Chairman. Delivery and return shall be made only by authorized persons. Such transcripts may not leave Washington, DC, unless adequate assurances for their security are made to the Chairman.

(6) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(7) Subject to any additional restrictions imposed by the Chairman with the concurrence of the Ranking Minority Member, only the following persons are authorized to have access to classified or restricted transcripts.

(i) Members and staff of the Committee in the Committee rooms;

(ii) Designated personal representatives of members of the Committee, and of the Majority and Minority Leaders, with appropriate security clearances, in the Committee's Capitol office;

(iii) Senators not members of the Committee, by permission of the Chairman in the Committee rooms;

(iv) Members of the executive departments involved in the meeting, in the Com-

mittee's Capitol office, or, with the permission of the Chairman, in the offices of the officials who took part in the meeting, but in either case, only for a specified and limited period of time, and only after reliable assurances against further reproduction or dissemination have been given.

(8) Any restrictions imposed upon access to a meeting of the Committee shall also apply to the transcript of such meeting, except by special permission of the Chairman and notice to the other members of the Committee. Each transcript of a closed session of the Committee shall include on its cover a description of the restrictions imposed upon access, as well as any applicable restrictions upon photocopying, note-taking or other dissemination.

(9) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a Committee meeting, members and staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Chairman, the Ranking Minority Member, or in the case of staff, by the Staff Director or Minority Staff Director. A record shall be kept of all such authorizations.

(c) *Declassification.*—

(1) All restricted transcripts and classified Committee reports shall be declassified on a date twelve years after their origination unless the Committee by majority vote decides against such declassification, and provided that the executive departments involved and all former Committee members who participated directly in the sessions or reports concerned have been consulted in advance and given a reasonable opportunity to raise objections to such declassification.

(2) Any transcript or classified Committee report, or any portion thereof, may be declassified fewer than twelve years after their organization if:

(i) the Chairman originates such action or receives a written request for such action, and notifies the other members of the Committee; and

(ii) the Chairman, Ranking Minority Member, and each member or former member who participated directly in such meeting or report give their approval, except that the Committee by majority vote may overrule any objections thereby raised to early declassification; and

(iii) the executive departments and all former Committee members are consulted in advance and have a reasonable opportunity to object to early declassification.

RULE 13-CLASSIFIED MATERIAL

(a) All classified material received or originated by the Committee shall be logged in at the Committee's offices in the Dirksen Senate Office Building, and except for material classified as "Top Secret" shall be filed in the Dirksen Senate Building offices for Committee use and safekeeping.

(b) Each such piece of classified material received or originated shall be card indexed and serially numbered, and where requiring onward distribution shall be distributed by means of an attached indexed form approved by the Chairman. If such material is to be distributed outside the Committee offices, it shall, in addition to the attached form, be accompanied also by an approved signature sheet to show onward receipt.

(c) Distribution of classified material among offices shall be by Committee members or authorized staff only. All classified material sent to members' offices, and that distributed within the working offices of the Committee, shall be returned to the offices designated by the Chief Clerk. No classified material is to be removed from the offices of the members or of the Committee without permission of the Chairman. Such classified material will be afforded safe handling and safe storage at all times.

(d) Material classified "Top Secret," after being indexed and numbered shall be sent to the Committee's Capitol office for use by the members and authorized staff in that office only or in such other secure committee offices as may be authorized by the Chairman or Staff Director.

(e) In general, members and staff undertake to confine their access to classified information on the basis of a "need to know" such information related to their Committee responsibilities.

(f) The Staff Director is authorized to make such administrative regulations as may be necessary to carry out the provisions of these regulations.

RULE 14—STAFF

(a) *Responsibilities.*—

(1) The staff works for the Committee as a whole, under the general supervision of the Chairman of the Committee, and the immediate direction of the Staff Director; provided, however, that such part of the staff as is designated Minority Staff, shall be under the general supervision of the Ranking Minority Member and under the immediate direction of the Minority Staff Director.

(2) Any member of the Committee should feel free to call upon the staff at any time for assistance in connection with the Committee business. Members of the Senate not members of the Committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the Committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

In addition to carrying out assignments from the Committee and its individual members, the staff has a responsibility to originate suggestions for Committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the Committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the Committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when Committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the Committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected Members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) *Restrictions.*—

(1) The staff shall regard its relationship to the Committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the Committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(i) Members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by such group;

(ii) Members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the Staff Director, or, in the case of minority staff, from the Minority Staff Director. In the case of the Staff Director and the Minority Staff Director, such advance permission shall be obtained from the Chairman or the Ranking Minority Member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, Committee action.

(iii) Staff shall not discuss their private conversations with members of the Committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Staff Director or Minority Staff Director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.

RULE 15—STATUS AND AMENDMENT OF RULES

(a) *Status.*—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the Committee with respect to certain matters, as well as the timing and procedure for their consideration in Committee, may be governed by statute.

(b) *Amendment.*—These Rules may be modified, amended, or repealed by a majority of the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, rules of the Committee which are based upon Senate rules may not be superseded by Committee vote alone.●

RULES OF PROCEDURE FOR THE COMMITTEE ON ARMED SERVICES FOR THE 101ST CONGRESS

● Mr. NUNN. Mr. President, in accordance with rule XXVI of the Standing Rules of the Senate, I ask that the Rules of Procedure of the Committee

on Armed Services for the 101st Congress, which were adopted by the committee on February 23, 1989, be printed in the CONGRESSIONAL RECORD.

The Rules of Procedure follow:

ARMED SERVICES COMMITTEE RULES OF PROCEDURE

(Adopted February 23, 1989)

1. *Regular Meeting Day and Time.* The regular meeting day of the committee shall be each Thursday at 10:00 a.m., unless the committee or the chairman directs otherwise.

2. *Additional Meetings.* The chairman may call such additional meetings as he deems necessary.

3. *Special Meetings.* Special meetings of the committee may be called by a majority of the members of the committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. *Opening Meetings.* Each meeting of the committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a recorded vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interest of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of committee staff personnel or internal staff management of procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. *Presiding Officer.* The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member present at the meeting or hearing shall preside unless by majority vote the committee provides otherwise.

6. *Quorum.* (a) A majority of the members of the committee are required to be actually present to report a matter or measure from the Committee.

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, seven members of the committee shall constitute a quorum for the transaction of such business as may be considered by the committee.

(c) Three members of the committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. *Proxy voting.* Proxy voting shall be allowed on all measures and matters before the committee. The vote by proxy of any member of the committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded.

8. *Announcement of Votes.* The results of all rollcall votes taken in any meeting of the committee on any measure, or amendment thereto, shall be announced in the committee report, unless previously announced by the committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the committee who was present at such meeting. The Chairman may hold open a rollcall vote on any measure or matter which is before the committee until no later than midnight of the day on which the committee votes on such measure or matter.

9. *Subpoenas.* Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued by the chairman or any other member designated by him, but only when authorized by a majority of the members of the committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. *Hearings.* (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the committee or subcommittee conducting such hearings.

(d) Witnesses appearing before the committee shall file with the clerk of the committee a written statement of his proposed testimony at least 24 hours not including weekends or holidays prior to a hearing at which he is to appear unless the chairman and the ranking minority member determines that there is good cause for the failure of the witness to file such a statement.

(e) Confidential testimony taken or confidential material presented in a closed hearing of the committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the committee or subcommittee.

(f) Any witness summoned to give testimony or evidence at a public or closed hearing of the committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(g) Witnesses providing unsworn testimony to the committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the chairman.

11. *Nominations.* Unless otherwise ordered by the committee, nominations referred to the committee shall be held for at least seven (7) days before being voted on by the committee. Each member of the committee shall be furnished a copy of all nominations referred to the committee.

12. *Real Property Transactions.* Each member of the committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the chairman of the committee within thirty (30) days from the date of submission.

13. *Legislative Calendar.* (a) The clerk of the committee shall keep a printed calendar for the information of each committee member showing the bills introduced and referred to the committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the committee. A copy of each new revision shall be furnished to each member of the committee.

(b) Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the committee. Each subcommittee of the committee is part of the committee, and is therefore subject to the committee's rules so far as applicable.

15. *Powers and Duties of Subcommittees.* Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings whenever possible.●

RULES AND SUBCOMMITTEE ASSIGNMENTS OF THE COMMITTEE ON SMALL BUSINESS

● Mr. BUMPERS. Mr. President, I submit for printing in the RECORD, the

rules of the Committee on Small Business as required by rule XXVI, paragraph 2, of the Standing Rules of the Senate. I would also like to submit a listing of the committee's subcommittee assignments.

I ask that this material be printed in its entirety.

The material follows:

COMMITTEE RULES

1. GENERAL

All applicable provisions of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the Committee and its Subcommittees. The Rules of the Committee shall be the Rules of any Subcommittee of the Committee.

2. MEETINGS AND QUORUMS

(a) The regular meeting day of the Committee shall be the first Wednesday of each month unless otherwise directed by the Chairman. All other meetings may be called by the Chairman as he deems necessary, on three days notice where practicable. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the office of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the Clerk of the Committee shall notify the Chairman of such request. If, within three calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within seven calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chairman is not present at any regular, additional or special meeting, the ranking majority Member present shall preside.

(b)(1) Ten Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) Six Members of the Committee shall constitute a quorum for the transaction of routine business, provided that the minority Member is present. The term "routine business" includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments. 132 Cong. Rec. S3231 (daily ed. March 21, 1986).

(3) In hearings, whether in public or closed session, a quorum for the taking of testimony, including sworn testimony, shall consist of one Member of the Committee or subcommittee.

(c) Proxies will be permitted in voting upon the business of the Committee by Members who are unable to be present. To be valid, proxies must be signed and assign the right to vote to one of the Members who will be present. Proxies shall in no case be counted for establishing a quorum.

3. HEARINGS

(a)(1) The Chairman of the Committee may initiate a hearing of the Committee on his authority or upon his approval of a request by any Member of the Committee. The Chairman of any subcommittee may, after approval of the Chairman, initiate a hearing of the subcommittee on his authority or at the request of any member of the subcommittee. Written notice of all hearings shall be given, as far in advance as practicable, to Member of the Committee.

(2) Hearings of the Committee or any subcommittee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chairman and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting.

(b)(1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact if a quorum be present as specified in Rule 2(b).

(2) Any Member of the Committee may attend any meeting or hearing held by any subcommittee and question witnesses testifying before any subcommittee.

(3) Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chairman or Ranking Minority Member.

(4) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least 24 hours in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chairman and the Ranking Minority Member.

(c) Witnesses may be subpoenaed by the Chairman with the agreement of the Ranking Minority Member or by consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting. Subpoenas shall be issued by the Chairman or by any Member of the Committee designated by him. Subcommittees shall not have the right to authorize or issue subpoenas. As subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents and records shall identify the papers required to be produced with as much particularity as is practicable.

(d) Any witness summoned to a public or closed hearing may be accompanied by counsel of his own choosing, who shall be permitted while the witness is testifying to advise him of his legal rights.

(e) No confidential testimony taken, or confidential material presented to the Committee, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted voluntarily or pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee.

4. AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended: provided, however, that not less than a majority of the entire Membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.●

COMMITTEE ON FINANCE RULES OF PROCEDURE

● Mr. BENTSEN. Mr. President, paragraph 2 of Senate rule XXVI requires that, not later than March 1 of each year, the rules of each committee be published in the RECORD, and that not more than 30 days after a committee amends its rules, the amendment be printed in the RECORD.

In compliance with both of these provisions, I ask that the rules of the Committee on Finance as amended on February 23, 1989, by unanimous vote of the committee, be printed in the RECORD at this point, along with a copy of the amendment.

The material follows:

COMMITTEE ON FINANCE

RULES OF PROCEDURE

(Adopted February 23, 1989)

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsections (b) and (c) seven members, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

(c) Once a quorum as prescribed by subsection (a) has been established for the conduct of business in executive session, the committee may continue to conduct business so long as five or more members are present, including not less than one member of the majority party and one member of the minority party.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), mem-

bers who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes.*—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas.*—Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Open Committee Hearings.*—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 12. *Announcement of Hearings.*—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 13. *Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for that witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 14. *Audiences.*—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distraction or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 15. *Broadcasting of Hearings.*—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesty and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

(f) No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage) of that hearing is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all equipment used for coverage shall be turned off.

Rule 16. *Subcommittees.*—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and.

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 17. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. This record, marked as "uncorrected," shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. This record shall not be published or made public in any way except:

(a) By majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

(b) Any member may release his own remarks made in any markup of the committee provided that every member or witness whose remarks are contained in the released portion is given a reasonable opportunity before release to correct their remarks.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 18. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.●

RULES OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

● Mr. GLENN. Mr. President, I herewith submit a copy of rules of procedure adopted by the Committee on Governmental Affairs pursuant to rule

XXVI, section 2, Standing Rules of the Senate, and ask that they be printed in the RECORD.

The rules follow:

RULES OF PROCEDURE OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

(Pursuant to Rule XXVI, Sec. 2, Standing Rules of the Senate)

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS.

A. *Meeting dates.* The Committee shall hold its regular meetings on the first Thursday of each month, when the Congress is in session, or at such other times as the chairman shall determine. Additional meetings may be called by the chairman as he deems necessary to expedite Committee business. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

B. *Calling special Committee meetings.* If at least three members of the Committee desire the chairman to call a special meeting, they may file in the offices of the Committee a written request therefore, addressed to the chairman. Immediately thereafter, the clerk of the Committee shall notify the chairman of such request. If, within three calendar days after the filing of such request, the chairman fails to call the requested special meeting, which is to be held within seven calendar days after the filing of such request, a majority of the Committee members may file in the offices of the Committee their written notice that a special Committee meeting will be held, specifying the date and hour thereof, and the Committee shall meet on that date and hour. Immediately upon the filing of such notice, the Committee clerk shall notify all Committee members that such special meeting will be held and inform them of its date and hour. If the chairman is not present at any regular, additional or special meeting, the ranking majority member present shall preside. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

C. *Meeting notices and agenda.* Written notices of Committee meetings, accompanied by an agenda, enumerating the items of business to be considered, shall be sent to all Committee members, at least three days in advance of such meetings. In the event that unforseen requirements or Committee business prevent a three-day notice, the Committee staff shall communicate such notice by telephone or otherwise to members or appropriate staff assistants in their offices, and an agenda will be furnished prior to the meeting.

D. *Open business meetings.* Meetings for the transaction of Committee or Subcommittee business shall be conducted in open session, except that a meeting or series of meetings on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee members when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government or financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the chairman to enforce order on his own initiative and without any point of order being made by a member of the Committee; *Provided, further,* that when the chairman finds it necessary to maintain order, he shall have the power to clear the room, and the Committee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

E. *Prior notice of first degree amendments.* It shall not be in order for the Committee, or a Subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless a written copy of such amendment has been delivered to each member of the Committee or Subcommittee, as the case may be, and to the office of the Committee or Subcommittee, at least 24 hours before the meeting of the Committee or Subcommittee at which the amendment is to be proposed. This subsection may be waived by a majority of the members present. This subsection shall apply only when at least 72 hours written notice of a session to mark-up a measure is provided to the Committee.

F. *Agency comments.* When the Committee has scheduled and publicly announced a markup meeting on pending legislation, if executive branch agencies, whose comments thereon have been requested, have not responded by the time of the announcement of such meeting, the announcement shall include the final date upon which the comments of such agencies, or any other agencies, will be accepted by the Committee.

G. *Meeting transcript.* The Committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or conference or any part thereof is closed to the public, unless a majority of the Committee members vote to forgo such a record. (Rule XXVI, Sec.5(e), Standing Rules of the Senate.)

RULE 2. QUORUMS

A. *Reporting measures and matters.* Eight members of the Committee shall constitute a quorum for reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec.7(a)(1), Standing Rules of the Senate.)

B. *Transaction of routine business.* Five members of the Committee shall constitute a quorum for the transaction of routine business, provided that one member of the minority is present.

For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Committee other than reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec.7(a)(1), Standing Rules of the Senate.)

C. *Taking sworn testimony.* Two members of the Committee shall constitute a quorum for taking sworn testimony *provided, however,* that one member of the Committee shall constitute a quorum for such purpose, with the approval of the chairman and the ranking minority member of the Committee, or their designees. (Rule XXVI, Sec.7(a)(2), Standing Rules of the Senate.)

D. *Taking unsworn testimony.* One member of the Committee shall constitute a quorum for taking unsworn testimony. (Rule XXVI, Sec.7(c)(2), Standing Rules of the Senate.)

E. *Subcommittee quorums.* Subject to the provisions of sections 7(a)(1) and (2) of Rule XXVI of the Standing Rules of the Senate, the Subcommittees of this Committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

F. *Proxies prohibited in establishment of quorum.* Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. *Quorum required.* Subject to the provisions of subsection (E), no vote may be taken by the Committee, or any Subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. *Reporting measures and matters.* No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee members are actually present, and the vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are actually present at the time the vote is taken. (Rule XXVI, Sec.7(a)(1) and (3), Standing Rules of the Senate.)

C. *Proxy voting.* Proxy voting shall be allowed on all measures and matters before the Committee, or any Subcommittees thereof, except that, when the Committee, or any Subcommittee thereof, is voting to report a measure or matter, proxy votes shall be allowed solely for the purposes of recording a member's position on the pending question and then, only if the absent Committee members has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. All proxies shall be addressed to the chairman of the Committee and filed with the chief clerk thereof, or to the chairman of the Subcommittee and filed with the clerk thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is

necessary to identify it and to inform the Committee as to how the member establishes his vote to be recorded thereon. (Rule XXVI, Sec. 7(a)(3) and 7(c)(1), Standing Rules of the Senate.)

D. *Announcement of vote.* (1) Whenever the Committee by rollcall vote reports any measure or matter, the report of the Committee upon such a measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee. (Rule XXVI, Sec. 7(c), Standing Rules of the Senate.)

(2) Whenever the Committee by rollcall vote acts upon any measure or amendment thereto, other than reporting a measure or matter, the results thereof shall be announced in the Committee report on that measure unless previously announced by the Committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each member of the Committee who was present at the meeting. (Rule XXVI, Sec. 7(b), Standing Rules of the Senate.)

(3) In any case in which a rollcall vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of, and in opposition to that measure, amendment thereto, or matter. (Rule XXVI, Sec. 7 (b) and (c), Standing Rules of the Senate.)

E. *Polling.* (1) The Committee may poll (a) internal Committee matters including the Committee's staff, records and budget; (b) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and (c) other Committee business other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public.

(2) The chairman, or a Committee member or staff officer designated by him, shall undertake any poll of the members of the Committee. If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the Committee shall keep a record of polls; if a majority of the members of the Committee determine that the polled matter is in one of the areas enumerated in subsection (D) of Rule 1, the record of the poll shall be confidential. Any Committee member may move at the Committee meeting following the poll for a vote on the polled decision, such motion and vote to be subject to the provisions of subsection (D) of Rule 1, where applicable.

RULE 4. CHAIRMANSHIP OF MEETING AND HEARINGS

The chairman shall preside at all Committee meetings and hearings except that he shall designate a temporary chairman to act in his place if he is unable to be present at a scheduled meeting or hearing. If the chairman (or his designee) is absent ten minutes after the scheduled time set for a meeting or hearing, the senior Senator present of the chairman's party shall act in his stead until the chairman's arrival. If there is no member of the chairman's party present, the senior Senator of the Committee minority present, with the prior approval of the chairman, may open and conduct the meeting or hearing until such time as a member of the majority arrives.

RULE 5. HEARINGS AND HEARINGS PROCEDURES

A. *Announcement of hearings.* The Committee, or any subcommittee thereof, shall make public announcement of the date, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing, unless the Committee, or Subcommitte, determines that there is good cause to begin such hearing at an earlier date. (Rule XXVI, Sec. 4(1), Standing Rules of the Senate).

B. *Open hearings.* Each hearing conducted by the Committee, or any Subcommitee thereof, shall be open to the public, except that a hearing or series of hearings on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the hearing to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee members when it is detemined that the matters to be discussed or the testimony to be taken at such hearing or hearings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the chairman to enforce order on his own initiative and without any point of order being made by a member of the Committee; *provided, further,* that when the chairman finds it necessary to maintain order, he shall have the power to clear the room, and the Committee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

C. *Full Committee subpoenas.* The chairman, with the approval of the ranking minority member of the Committee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials, provided that the chairman may subpoena attendance or production without the approval of the ranking minority member where the chairman or a staff officer designated by him has not received notification from the ranking minority member or a staff officer designated by him of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this subsection, the subpoena may be authorized by vote of the members of the Committee. When the Committee or chairman authorizes subpoenas, subpoenas may be issued upon the signature of the chairman or any other member of the Committee designated by the chairman.

D. *Witness counsel.* Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness while he or she is testifying, or his or her legal rights, provided, however, that any government officer or employee being interrogated by the staff or testifying before the Committee and electing to have his personal counsel present shall not be permitted to select such counsel from the employees or officers of any governmental agency. This subsection shall not be construed to excuse a witness from testifying in the event his counsel is ejected for conducting himself in such manner so as to prevent, impede, disrupt, object or interfere with the orderly administration of the hearings; nor shall this subsection be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from attendance in response to subpoena.

E. *Witness transcripts.* An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her testimony whether in pubic or executive session shall be made available for inspection by the witness or his or her counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his or her expense if he or she so requests. Upon inspecting his or her transcript, within a time limit set by the chief clerk of the Committee, a witness may request changes in testimony to correct errors of transcription and grammatical errors; the chairman or a staff officer designated by him shall rule on such requests.

F. *Impugned persons.* Any person whose name is mentioned or is specifically identified, and who believes that evidence presented, or comment made by a member of the Committee or staff officer, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(2) file a sworn statement of facts relevant to the evidence or comment, which statement shall be considered for placement in the hearing record by the Committee;

(b) request the opportunity to appear personally before the Committee to testify in his or her own behalf, which request shall be considered by the Committee; and

(c) submit questions in writing which he or she requests be used for the cross-exami-

nation of other witnesses called by the Committee, which questions shall be considered for use by the Committee.

G. *Radio, television, and photography.* The Committee, or any Subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the Committee, or Subcommittee, may impose. (Rule XXVI, Sec. 5(c), Standing Rules of the Senate.)

H. *Advance statements of witnesses.* A witness appearing before the Committee, or any Subcommittee thereof, shall provide 100 copies of a written statement and an executive summary or synopsis of his proposed testimony at least 48 hours prior to his appearance. This requirement may be waived by the chairman and the ranking minority member following their determination that there is good cause for failure of compliance. (Rule XXVI, Sec. 4(b), Standing Rules of the Senate.)

I. *Minority witnesses.* In any hearings conducted by the Committee, or any Subcommittee thereof, the minority members of the Committee shall be entitled, upon request to the chairman by a majority of the minority to call witnesses of their selection during at least one day of such hearings. (Rule XXVI, Sec. 4(d), Standing Rules of the Senate.)

J. *Full Committee depositions.* Depositions may be taken prior to or after a hearing as provided in this subsection.

(1) Notices for the taking of depositions shall be authorized and issued by the chairman, with the approval of the ranking minority member of the Committee, provided that the chairman may initiate depositions without the approval of the ranking minority member where the chairman or a staff officer designated by him has not received notification from the ranking minority member or a staff officer designated by him of disapproval of the deposition within 72 hours, excluding Saturdays and Sundays, of being notified of the deposition notice. If a deposition notice is disapproved by the ranking minority member as provided in this subsection, the deposition notice may be authorized by a vote of the members of the Committee. Committee deposition notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private.

(2) Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

(3) Oaths at depositions may be administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. If a witness objects to a question and refuses to testify, the objection shall be noted for the record and the Committee staff may proceed with the remainder of the deposition.

(4) The Committee staff shall see that the testimony is transcribed or electronically recorded (which may include audio or audio/video recordings). If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with subsection (E). If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk to the Committee. Committee staff may stipulate with the witness to changes in the procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

RULE 6. COMMITTEE REPORTING PROCEDURES

A. *Timely filing.* When the Committee has ordered a measure or matter reported, following final action the report thereon shall be filed in the Senate and the earliest practicable time. (Rule XXVI, Sec. 10(b), Standing Rules of the Senate.)

B. *Supplemental, minority, and additional views.* A member of the Committee who gives noice of his intention to file supplemental, minority or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three calendar days in which to file such views, in writing, with the chief clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part, thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views. (Rule XXVI, Sec. 10(c), Standing Rules of the Senate.)

C. *Notice by Subcommittee chairmen.* The chairman of each Subcommittee shall notify the chairman in writing whenever any measure has been ordered reported by such Subcommittee and is ready for consideration by the full Committee.

D. *Draft reports of Subcommittee.* All draft reports prepared by Subcommittee of this Committee on any measure or matter referred to it by the chairman, shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the Committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the Committee at the earliest practicable time.

E. *Impact statements in reports.* All Committee reports, accompanying a bill or joint resolution of a public character reported by the Committee, shall contain (1) an estimate, made by the Committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next five years thereafter (or for the authorized duration of the proposed legislation, if less than five years); (2) a comparison of such cost estimates with any made by a Federal agency; or (3) a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(a), Standing Rules of the Senate.)

Each such report shall also contain an evaluation, made by the Committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (a) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (b) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (c) a determination of the impact on the personal privacy of the individuals affected, and (d) a determination of the amount of paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the record keeping requirements that may be associated with the bill or joint resolution. Or, in lieu of the forgoing evaluation, the report shall include a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(b), Standing Rules of the Senate.)

RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. *Regularly establish Subcommittee.* The Committee shall have five regularly established Subcommittees. The Subcommittees are as follows:

Permanent Subcommittee on Investigations;

Government Information and Regulation;

General Services, Federalism, and the District of Columbia;

Oversight of Government Management; and

Federal Services, Post Office, and Civil Service.

B. *Ad hoc Subcommittees.* Following consultation with the ranking minority member, the chairman shall, from time to time, establish such ad hoc Subcommittees as he deems necessary to expedite Committee business.

C. *Subcommittee membership.* Following consultation with the majority members, and the ranking minority member of the Committee, the chairman shall announce selections for membership on the Subcommittees referred to in paragraphs A and B, above.

D. *Subcommittee meetings and hearings.* Each Subcommittee of this Committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the Committee except as provided in Rules 7(E).

E. *Subcommittee subpoenas.* Each Subcommittee is authorized to adopt rules concerning subpoenas which need not be consistent with the rules of the Committee; *provided, however,* that in the event the Subcommittee authorizes the issuance of a subpoena pursuant to its own rules, a written notice of intent to issue the subpoena shall be provided to the chairman and ranking minority member of the Committee, or staff officers designated by them, by the Subcommittee chairman or a staff officer designated by him immediately upon such authorization, and no subpoena shall issue for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the chairman and ranking minority member waive the 48 hour waiting period or unless the Subcommittee chairman certifies in writing to the chairman and ranking minority member that, in his opinion, it is necessary to issue a subpoena immediately.

[E] F. *Subcommittee budgets.* Each Subcommittee of this Committee, which requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the Committee, not later than January 10 of that year, its request for funds for the 12-month period beginning on March 1 and ex-

tending through and including the last day of February of the following year. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification addressed to the chairman of the Committee, which shall include (1) a statement of the Subcommittee's area of activities, (2) its accomplishments during the preceding year, and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding year, (b) the funds actually expended during that year, (c) the amount requested for the current year, and (d) the number of professional and clerical staff members and consultants employed by the Subcommittee during the preceding year and the number of such personnel requested for the current year. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. *Standards.* In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. *Information Concerning the Nominee.* As a requirement of confirmation, each nominee shall submit on forms prepared by the Committee the following information:

(1) A detailed biographical resume which contains information relating to education, employment and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee and tax returns for the 3 years preceding the time of his or her nomination; and

(3) Copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement.

At the request of the chairman or the ranking minority member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor.

Information received pursuant to this subsection shall be made available for public inspection; *provided, however,* that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. *Procedures for Committee inquiry.* The Committee shall conduct an inquiry into the experience, qualifications, suitability and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including, but not limited to, any professional activities related to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the three years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated.

For the purpose of assisting the Committee in the conduct of this inquiry, a majority investigator or investigators shall be designated by the chairman and a minority investigator or investigators shall be designated by the ranking minority member. The chairman, ranking minority member, other members of the Committee and designated investigators shall have access to all investigative reports on nominees prepared by any Federal agency, except that the chairman and the ranking minority member shall review the report of the Federal Bureau of Investigation, which may also be reviewed upon request by any other member of the Committee. The Committee may request the assistance of the General Accounting Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. *Report on the Nominee.* After a review of all information pertinent to the nomination, a confidential report on the nominee shall be submitted to the chairman and the ranking minority member. The report shall detail any unresolved or questionable matters that have been raised during the course of the inquiry. Copies of all relevent documents and forms, except any tax returns, submitted pursuant to subsection (B) and any report of the Federal Bureau of Investigation, shall be attached to the report. The report shall be kept in the Committee office for the inspection by members of the Committee.

E. *Hearings.* The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least 72 hours after the following events have occurred: the nominee has responded to pre-hearing questions submitted by the Committee; and the report required by subsection (D) has been submitted to the chairman and ranking minority member, and is made available for inspection by members of the Committee.

F. *Action on confirmation.* A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the prehearing inquiry.

G. *Application.* The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their fulltime service. At the discretion of the chairman and ranking minority member, those procedures may apply to persons nominated by the President to serve on a part-time advisory basis.●

RULES OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

● Mr. BURDICK. Mr. President, in accordance with rule XXVI of the Senate concerning committee procedure, I submit for the RECORD the rules of the Committee on Environment and Public Works for the 101st Congress.

The committee rules follow:

RULES OF PROCEDURE OF THE COMMITTEE

Rule 1. Regular Meeting Days.—The regular meeting day of the committee shall be the first and third Thursday of each month at 10:00 A.M., except that if there be no business before the committee, the regular meeting shall be omitted.

Rule 2. Committee Meetings.—Subject to section 133(a) of the Legislative Reorganization Act of 1946, as amended, committee meetings for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman, after consultation with the ranking minority member. Subcommittee meetings shall be called by the chairman of the respective subcommittee, after consultation with the ranking minority member. Notice of a meeting and the agenda of business to be discussed by the committee will be provided to all members not less than twenty-four hours in advance of such meeting. Additions to the agenda after that time may be made with the concurrence of the ranking minority member. Such 24-hour notice may be waived in an emergency by the chairman, with the concurrence of the ranking minority member.

Rule 3. Open Committee Meetings and Legislative Mark-up Sessions.—Meetings of the committee, including hearings, and legislative mark-ups, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of rule XXVI of the Standing Rules of the Senate (as amended by Senate Resolution 9, 94th Congress).

Rule 4. Presiding Officer.—(a) The chairman shall preside at all meetings and hearings of the committee except that in the absence of the chairman the ranking majority member who is present at the meeting shall preside.

(b) Subcommittee chairmen shall preside at all meetings and hearings of their respective subcommittees, except that in the absence of the subcommittee chairman, the ranking majority member of the subcommittee who is present at the meeting shall preside.

(c) Notwithstanding the rule prescribed by subsections (a) and (b), any member of the committee may preside over the conduct of a hearing.

Rule 5. Quorums.—(a) Except as provided in subsections (b) and (d), five members, two of whom shall be members of the minority party, shall constitute a quorum for the conduct of business, except for the purpose of reporting any measure or matter.

(b) Quorums for the conduct of business by the subcommittees shall be a simple majority of the membership of the subcommittees with at least one minority member present.

(c) Once a quorum as prescribed in subsections (a) and (b) has been established for the conduct of business, the committee may continue to conduct business.

(d) Notwithstanding the rule prescribed in subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 6. Proxy Voting.—(a) Proxy voting shall be allowed on all measures, amendments, resolutions, or any other issue before the committee or any subcommittees. Any member who is unable to attend the meeting may submit a vote on any such issue, in writing or through personal instructions; however, proxies shall not be voted for the purpose of reporting any measure or matter except when the absent committee member has been informed of the matter on which the vote is being recorded and has affirmatively requested that such vote be so recorded. A proxy given in writing shall be valid until revoked, while a proxy given orally or by personal instructions is valid only on the day given.

(b) At the discretion of the chairman, after consultation with the ranking minority member, members who are unable to be present and whose vote has not been cast by proxy may have their positions recorded on any vote on the same business day so long as the vote will not change the outcome.

Rule 7. Public Announcement of Vote.—Whenever the committee, by rollcall vote, reports any measure or matter, or acts upon any measure or amendments thereto, the report of the committee on such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee.

Rule 8. Announcement of Hearing.—The committee, or any subcommittee thereof, shall make public announcement and provide notice to members of the date, place, time, and subject matter of any hearings to be conducted on any measure or matter, at least one week in advance of such hearing, unless the committee chairman, or subcommittee chairman, with the concurrence of the ranking minority member, determines that there is good cause to begin such hearing at an earlier date, in which event not less than twenty-four hours notice shall be given.

Rule 9. Statements of Witnesses at Hearings.—(a) Each witness who is scheduled to testify at any hearing of the committee, or any subcommittee thereof, shall file a written statement of proposed testimony not later than noon of the last business day preceding the day on which such witness is scheduled to appear. At the time of appearance, each witness shall supply for the use of the committee or subcommittee, 25 copies of any prepared testimony or such greater number as may be requested in the letter of invitation. Except for witnesses from the Federal Government, this rule may be waived with regard to field hearings.

(b) The presiding officer at a hearing may have a witness confine any oral presentation to a summary of a written statement.

Rule 10. Regularly Established Subcommittees.—The committee shall have five regularly established Subcommittees as follows: Subcommittee on Water Resources, Transportation, and Infrastructure; Subcommittee on Environmental Protection; Subcommittee on Superfund, Ocean, and Water Protection; Subcommittee on Nuclear Regulation; and Subcommittee on Toxic Substances, Environmental Oversight, Research and Development.

Rule 11. Subcommittee Membership.—Following consultation with the Majority Members and the Ranking Minority Member of the Committee, the chairman shall announce selections for membership of the subcommittees referred to in Rule 10.

Rule 12. Environmental Impact Statements.—No project or legislation proposed by the Administration shall be approved or other action taken on such project or legislation unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1970, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

Rule 13. Project Approvals.—(a) Whenever the committee authorizes a project, under Public Law 89-298, Rivers and Harbors Act of 1965, Public Law 83-566, Watershed Protection and Flood Prevention Act, or Public Law 86-249, Public Buildings Act of 1959, as amended, the chairman shall submit for printing in the Congressional Record, and the Committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(b) Proponents of committee resolutions shall submit appropriate evidence showing need for review or reports on river and harbor and flood control projects.

Rule 14. Naming of Public Facilities.—No building, structure or facility authorized by the committee, shall be named for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, or former Justices of the United States Supreme Court over 70 years of age.

Rule 15. Building Prospectuses.—(a) The committee shall act on all prospectuses for construction (including construction of buidings for lease by the government), alteration and repair, or acquisition submitted by the General Services Administration in accordance with section 7(a) of the Public Buildings Act of 1959, as amended, and such action shall be completed by the date of May 15 during the same session in which such prospectuses are submitted to Congress. The committee may consider prospectuses submitted for alterations or repairs necessitated by emergency building conditions at any time during the same session of the Congress in which they are submitted. Prospectuses rejected by majority vote of the committee or not contained in any bill reported to the Senate shall be returned to the GSA and must then be resubmitted in order to be considered for action by the committee during the next session of the Congress.

(b) Reports of building project surveys submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, shall not be considered by the committee as being prospectuses subject to approval by committee resolution in accordance with section 7(a) of that Act. Projects described in such survey reports shall be considered for committee action only if they are submitted as prospectuses in accordance with section 7(a) and they shall be subject to the provisions of subsection (a) of this rule.

Rule 16. Broadcasting of Hearings.—Public hearings of the committee, or any subcommittee thereof, may be televised or broadcast, or recorded for television or broadcast, upon notification in advance to the chairman through the staff director. During public hearings, photographers and other reporters using mechanical recording or filming devices shall position and use their equipment in such fashion as will not interfere with the seating, vision, or hearing of Committee Members or staff on the dais, nor with the orderly process of the hearing.

Rule 17. Amendment of Rules.—The rules may be added to, modified, amended, or suspended by a majority of the Committee Membership.●

TERRORISM HITS HOME IN CONNECTICUT

● Mr. LIEBERMAN. Mr. President, acts of terrorism appear to be on the rise throughout the world. Far too often in the news we learn of new terrorist actions taking the lives of innocent and unsuspecting people. While most of these incidents occur abroad, often their impact is felt thousands of miles away from the crime itself, and we are reminded that no one is completely isolated or insulated from terrorism. The recent bombing of Pan Am flight 103 clearly shows us just how far-reaching the effects of terrorism can be.

Unfortunately, a number of my constituents in Connecticut recently learned about the power and potency which terrorism has, even to those not directly involved in the incident.

A few weeks ago, Patrick Finucane was killed in his home in Belfast. According to reports, three Protestant paramilitaries broke into his home, shot him twice in the stomach and once in the head, and then proceeded to shoot his wife in the leg. Tragically, this whole incident was witnessed by their three young children.

Patrick Finucane was an attorney in Northern Ireland who represented people of all religious affiliations. Although he was a Catholic, he showed no preference to Catholics over Protestants. In fact, Patrick had a reputation for being apolitical. His recent decision to represent a member of the IRA appears to have precipitated his death. Even though Patrick treated this case like so many he had taken up before, apparently others did not approve of his work.

Patrick Finucane was killed for pursuing the duties and responsibilities of his profession. The right of an attorney to represent a client is fundamental right in modern day democratic societies. Those who decided that Mr. Finucane must die for his professional pursuits not only infringed upon his civil rights, but also needlessly took the life of a good and decent man.

This deplorable incident brings home the senseless violence taking place between Protestants and Catholics in Northern Ireland today. Cases of human rights abuses and killings are pervasive in this war-torn country. Needless killings and injuries occur to the innocent citizens of Northern Ire-

land all too frequently as the result of terrorist and counterterrorist activity.

I have nothing but sympathy for the members of Patrick Finucane's family who succeed him both in Northern Ireland and in Connecticut. I share their outrage and sadness about this senseless death. Hopefully, their relative's death will not have been in vain, but will instead help to highlight the urgent need to curtail the killings that terrorize Northern Ireland. I want to add my voice to the chorus of voices calling for representatives of England and Northern Ireland to seek common ground and put an end to the continued and needless bloodshed in Northern Ireland occurring today.

I firmly believe the United States must be a leader in the fight against terrorism. I hope that we will remain committed to our longstanding tradition of combating terrorists who threaten innocent people everywhere. Those who choose terrorism to advance their cause must be made to realize that it will not serve their ends. It is necessary for all nations to signal consistently and firmly that no positive results can be achieved through those violent methods. The ongoing conflict in Northern Ireland stands to remind us of the importance of persevering in our efforts to put an end to terrorism.●

MOVING PEOPLE NORTH

● Mr. SIMON. Mr. President, the National Journal recently had an article titled, "Growing Old" by Jonathan Rauch, in which is discussed the problem and opportunity of immigration as part of the solution to the growing old that is occurring not only within the United States but with most northern countries.

It is interesting because it lays out some of the problems as well as the potential.

The United States admits more legal immigrants into our Nation each year than all the other countries in the world combined.

Immigration will continue to be part of the way the United States solves its economic problems, but there are problems with immigration and a dramatic shift in where the immigrants are coming from, as the chart that goes with this article suggests.

I ask that the portion of the article in the National Journal entitled "Moving People North" be printed in the RECORD.

The article follows:

MOVING PEOPLE NORTH

The Third World will have young labor; the industrial world will need it. The most direct answer is also the most interesting: move the people.

"Governments in rich industrial countries have nightmares about the costs of supporting their aging populations," The Economist, the British weekly, said in a recent unsigned column. "They should wake up to the idea of allowing more young foreigners to immigrate." Actually, many people in Japan and Europe are wide awake to immigration: The prospect of a large inflow of foreign workers is keeping them up nights.

The mix of political and economic forces here is volatile. The decline of the working-age population throughout the industrialized North is likely to put upward pressure on wages, particularly among younger workers, in the early decades of the next century. Those wages cannot but be attractive to great numbers of young workers in less-developed countries. But immigration, while relieving some labor-force pressures and providing more paychecks from which to pay social security benefits, can more than compensate by creating other social tensions.

Take Japan. In recent years, Japan has found itself coping with an inflow of illegal Asian labor; foreigners come in from the Philippines and other Asian countries under temporary permits or to study, and then often don't leave. "The incentives are fantastic," Dornbusch said. "It's a delicate problem, but the trend is going to be there. Someone has to do the crummy work, and that's what the poor were invented for."

In Japan, however, foreign labor is not greeted with open arms. "The Japanese have always had problems with this," economist Edward J. Lincoln, a Japan specialist at the Brookings Institution, said. "It's very difficult for large segments of the population living and working in Japan who are not Japanese." Non-Japanese are seen as threatening to ethnic and cultural homogeneity, which the Japanese set great store by. "Japanese put so much emphasis on being the same as others—on uniformity," Tokyo demographer Tsuya said.

Florida State's Serow said, "Japan does not have any history of population movement at all." To many Japanese, the idea of a large inflow of foreigners is unacceptable. A close observer of Japan, asking not to be named, said that the level of hostility to immigration there is "amazing." This makes it somewhat doubtful that Japanese will be able or willing to import foreign labor in anything like the quantities that would be necessary to smooth out the economic effects of the aging of the country's population.

European countries are not so insular. An inflow of Turks bolstered the West German labor force in the 1960s and 1970s (although now, with West German unemployment high, the Germans are paying Turks to leave). But many of the nearby sources of Third World labor—Turkey, North Africa—are from Islamic cultures that are alien to Europeans. A large inflow of Turkish labor, senior economist Norbert A. Walter of Deutsche Bank A.G. said, would be socially unsustainable: "It's not something we could live with."

The logical place to look for Third World workers headed to France is Algeria, a former colony that has often been called France's Mexico. In The Wall Street Journal, an anonymous French government official was recently quoted as predicting that in 20 years, an additional 25 million North Africans will be looking for jobs in Europe. "Will Europe be ready to accept this? Obviously not," the official said.

In a telephone interview from his office in Frankfurt, Walter said: "I think a large part of the solution has to come from immigration. And we have lost 15 years, already." Europeans, however, are clearly not generally thinking of immigration in a positive light. In France, the United Kingdom and West Germany, the foreign-born already make up 7-10 per cent of the population; anti-immigrant movements have cropped up all over Europe. "France is a very clear case," French economist Tapinos said. "There's clearly an antiforeigner sentiment." The extremist right-wing party of Jean-Marie Le Pen has been making gains on a stridently nativist platform.

The periods of high immigration into France, West Germany and other European countries have also been periods of high fertility, Tapinos said: "Society will accept a large influx of foreigners when the society itself is growing." But non-Communist Europe's population is not growing, and it working-age population will soon be shrinking.

Moreover, using imported workers to pay retirement benefits to the population at large is potentially touchy. An increasingly foreign-born, and in many cases nonwhite work force may not gladly pay benefits for growing numbers of elderly white retirees. And immigrants themselves get old; to support them, the inflow has to keep coming. The U.N.'s Horlacher said, "If you want to handle this through immigration, you're on a treadmill." Not many industrial countries have a tradition of a steady inflow of immigrants, year after year.

A few do, of course: Australia, Canada and—the powerhouse among them—the United States. The United States admitted a big wave of immigrants in the first three decades of this century; those people wove themselves into the fabric of American society and now make up 12 per cent of the elderly, according to the Census Bureau. The numbers coming here today are not so large, but they remain significant. Over the course of the 1980s, legal immigration will probably be about eight million, according to the Immigration and Naturalization Service. Before enactment of the recent immigration reform law, illegal immigration was probably on the order of another 200,000 or so a year. On average, the migrants are significantly younger than the U.S. population as a whole, with an especially large bulge in the 25-34 age bracket.

These young workers are not ignorant freeloaders. Far from it. "They clearly are working their tails off," Torrey of the Census Bureau said. Census data on foreign-born Americans in 1980 show that their rate of college completion was almost identical to that of natives (about 16 percent), that they were almost as likely to be working in professional jobs and that their household median income was 85 percent that of native-born citizens. A 1986 analysis by the Council of Economic Advisers found that immigrants "appear to pay their own way from a public finance standpoint" and generally add to growth of output and standards of living in the United States.

Particularly striking in recent years has been what Sewell of the Overseas Development Council calls the "Third-Worldization" of the U.S. immigrant stream. "Guaranteed," Sewell said, "if you go to the emergency room this weekend, it will be staffed by Third World nurses and doctors." In the late 1950s and early 1960s, half of America's immigrants came from Europe and fewer than 10 percent came from Asia; by 1987, the figures were virtually reversed. Most of the rest came from Central and South America. This is not surprising: The Third World is where the young workers are. And the United States, although not without resentments and nativist streaks of its own, is

far more willing than most other industrial countries are to absorb them.

Alleviating the coming century's retirement burden by accepting Third World immigrants has the earmarks of a strategy particularly well suited to the American temperament. The savings approach to coping with the population's aging requires deferring consumption, which Americans, in sharp contrast with the Japanese, have shown in recent years they are not inclined to do. Immigration works right away: Immigrants are "instant adults," as Ben J. Wattenberg, a senior fellow of the American Enterprise Institute for Public Policy Research, put it. "That is one of the most profound natural advantages we have—that people want to come here," he said. "We're the only one of the major countries that has shown we can handle it."

But immigration has its costs. Assimilation can be an expensive process, economically as well as socially. Newly arrived immigrants, especially from the poorer nations of the Third World, often need training and education. "All these migrants will add to the rate of economic growth," economist Hale said, "but they may do it while they also lower productivity, because they have no skills, they have no education. What we lack, in my opinion, is the institutional framework to maximize the value from immigration." And to educate and acculturate large numbers of immigrants requires a big up-front investment.

In short, America will certainly get immigrants. Whether it will be able to make the most of them is another matter.

The table shows that the percentage of legal immigrants to the United States from the developed countries of Europe dropped sharply in the past 20 years, while the proportion from developing countries in Central America and Asia increased.

SHIFTING U.S. IMMIGRANT STREAM

Region of origin	Percent—			
	1955 to 1964	1965 to 1974	1975 to 1984	1987
Europe	50	30	13	10
North America	11	5	2	2
Central America [1]	25	35	32	34
South America	5	6	7	7
Asia	8	22	43	43
Africa, other	1	2	3	4

[1] Includes Mexico and the Caribbean.

Source: Immigration and Naturalization Service.

SOCIAL SECURITY IS A LIFE SAVER

● Mr. SIMON. Mr. President, recently, the St. Louis Post-Dispatch had an editorial, "Social Security Is A Life Saver," which points out what Social Security is doing to lift many people out of poverty.

Before we start tinkering with Social Security, we ought to read this editorial. I regret that we do not have a similar antipoverty program for children and many others.

One of these days, this Nation will do the humanitarian thing and have a jobs program that can lift a great many more people out of poverty.

I ask that the Post-Dispatch editorial be printed in the RECORD and to urge my colleagues to read the editorial.

The editorial follows:

SOCIAL SECURITY IS A LIFE SAVER

A new study by the U.S. Census Bureau says Social Security does more to lift people out of poverty and equalize income among Americans than do the tax system and social welfare programs. This politically neutral study takes on added significance for the incoming administration and for Congress, both of which will search far and wide for ways to reduce federal spending in order to cut the $155 billion federal deficit.

Social Security definitely is one program that should not be touched, apart from the fact that reducing benefits would not allow the government to borrow any less money than before. The census study explains that reducing Social Security benefits would put millions of the elderly, the disabled and widows into the poorhouse, widening the income inequality between them and the rest of society.

The findings, moreover, should put a damper on attempts to sacrifice entitlement programs in general for the deficit's sake. While these programs don't lift nearly as many people out of poverty as Social Security does, they, too, are shown to be effective weapons in reducing income inequality between the poor and the affluent.

According to the study, over 15 million fewer elderly Americans were poor in 1986 because of Social Security. Due solely to these benefits, the poverty rate for the elderly stood at 14 percent instead of nearly 48 percent. This dramatic reduction ought to be proof enough for Washington not to tread on this program.

The study also belies the contention that the tax structure is a more effective vehicle for raising the income of the poor than entitlement programs are. The study said the tax system has had little impact on the redistribution of income. Or, as a Census Bureau official told the New York Times, "taxes do not reduce inequality nearly as much as government benefits."

Conservatives who argue otherwise also insist that non-cash federal benefits—ranging from food stamps to school lunches, from rent subsidies to health insurance—ought to be counted as income. To be sure, the nation's poverty rate would be much lower if these were counted—11.6 percent instead of 13.6 percent, the census study noted.

But even after non-cash benefits are counted, more than 25 percent of blacks and nearly 24 percent of Hispanics would still be poor. Put another way, the various welfare entitlement programs don't save everybody, but the poor in general would be a lot worse off without them.

The nation's elderly just received in the mail a card telling them that the Social Security program is financially sound and that the 39 million Social Security recipients can rest assured that benefits will continue to flow their way. Now the Census Bureau has added the most compelling reasons yet for Washington not to tamper with Social Security. To do so would mean destroying this nation's most effective weapon for reducing poverty and income inequality.●

MAKING A REAL PEACE WITH VIETNAM

● Mr. SIMON. Mr. President, the Washington Post recently printed an article by Frederick Downs, Jr., titled "Making a Real Peace With Vietnam."

Mr. Downs heads the VA's Prosthetic and Sensory Aids Service. He is not a diplomat, but he is a veteran of the Vietnam war who has written two books on his experience in Vietnam.

He writes movingly about the needs of that country.

Given Vietnam's greater independence from both the Soviet Union and China, it is long past time for the United States to enter into diplomatic relations with Hanoi and to work with that country on her problems and the POW/MIA question.

I ask that the Downs article be printed in the RECORD and I urge my colleagues to read it.

The article follows:

MAKING A REAL PEACE WITH VIETNAM: IN HELPING THEM HEAL THEIR WOUNDS, MAYBE WE CAN BEGIN TO HEAL OUR OWN

(By Frederick Downs, Jr.)

In a well-lighted room the rehabilitation center at Haiphong Harbor, Vietnam, rows of disease-crippled babies and children lay of mats along the floor, each surrounded by a physical therapist and family members. The older children, 3 years and more, stared at us with wide, fear-filled eyes. When the therapist manipulated their limbs, tears ran down their cheeks, but they would not cry out. The younger children and the babies, however, were crying their hearts out as the therapist worked their crippled limbs in the hope that their function could be restored. As I squatted next to a 3-year-old girl, her eyes round with pain, I wondered when I had last seen an American child who had had polio.

Earlier in my tour of the Ba Vi center north of Hanoi, I had fallen behind the group. Attempting a shortcut, I came upon a man dressed in black pajamas maneuvering on crutches along the overgrown jungle trail. He was about my age—the age of the average Vietnam veteran—and his right leg was missing above the knee. He reminded me of a scene 21 years ago when I was a second lieutenant in South Vietnam, patrolling Highway I south of Duc Pho. There I had seen another dressed in black pajamas traveling on the road, leg missing, swinging his body with crutches. I had felt deep pity for that man then, imagining how terrible life would be for him without a leg.

Now, as I watched the replay of that scene, I did not feel pity. I knew the inner determination that both the man I observed and I, now an amputee as well, had to have to survive. I knew that with the proper help he could learn to walk without crutches—but that the proper help would be slow in coming it it came of all.

My mission in Vietnam, as a member of a three-person team sent by presidential envoy Gen. John Vessey Jr., was to see if there was a way to increase the odds that men like this would walk again and that the children of Haiphong—and the thousands like them elsewhere in Vietnam—would face a less painful future.

We should think about Vietnam in this holiday season. America is not vengeful nation. One of the greatest sources of both our moral and economic strength has been our willingness to reconcile differences not only among ourselves and with our foreign friends and allies, but also with those who have once been our bitterest foes. The humanitarian effort with which I have been intensely involved for more than a year

promises benefits, I believe, not only to that war-torn country but to the many Americans families who still await word of men missing in action or taken prisoner during the Vietnam war.

When, in 1987, President Reagan asked Vessey to become his personal POW/MIA emissary to Hanoi, it had become obvious that Vietnam had slowed its previous cooperation in dealing with these issues. Vessey met with Vice Premier Nguyen Co Thach in Hanoi in August 1987, and the two men agreed to make a fresh start by reconfirming pledges to separate humanitarian issues from the political differences between our countries.

The Vietnamese, however, had an additional concern. They felt that U.S. concern for humanitarian needs was one-sided, that it ignored the humanitarian needs of their own people, especially the largely untreated problems of the many survivors severely maimed during the war. With the president's authorization, Vessey agreed that, within our legal and policy constraints, the United States would facilitate private efforts to improve care for their disabled.

Following this agreement, Vessey sent teams of medical experts to Vietnam. Our team's mission, involving four trips thus far, was to review Vietnamese needs for prosthetics and orthotics—devices to replace or strenthen damaged limbs. Another team has made three trips to review disabilities among Vietnamese children.

These trips have not been pleasant excursions. Each time, we have learned more about the severe deprivation suffered by this struggling country of 66 million people. Vietnam is a land where the most basic equipment and services to rehabilitate the disabled are in pitifully short supply and where children die routinely from deficiencies in nutrition, sanitation, immunization and medical treatment.

Among those needing immediate help are 60,000 amputees, a few thousand spinal cord injured and 300,000 others with severe disabilities. To serve these people, there are seven rehabilitation centers with physical therapists, nurses and doctors. All of these people are skilled, dedicated health care professionals. However, they have practically nothing to work with. Medical tools and equipment, pharmaceuticals, nutritional supplements, drugs, vaccines—even the most basic tools and equipment—are totally lacking or in short supply.

To re-equip and supply the seven centers' prosthetic laboratories would require a long but, by the standards of America's rich medical economy, certainly obtainable list of supplies and equipment. The list, compiled by the Vessey teams, starts with the tools needed to fabricate artificial limbs and orthopedic braces (drill presses plus bits, socket coping lathes, leather-sewing machines, furnaces, band saws and so on). It proceeds through the chemicals and suppliers used in the making of the limbs (tons of acrylic, hardener and PVC powder to make the exoskeleton, aluminum to make sockets and braces and so on). And it culminates in the steel sheet required to build wheelchairs.

No one should imagine that the Vietnamese are sitting back and waiting for the outside world to help them. The evidence of their efforts—and the severe limitations placed on those efforts—are all around.

To reach the rehabilitation centers, for example, slightly-built mothers in black pajamas carried their crippled children on their backs along the narrow road. Some could make it in a day, but sometimes the trip took longer. A determined mother would carry her child for many miles on a trip that might take two or three days. With the child's arms wrapped around her neck, the legs grasping her waist, the woman, slightly bent over, would move quickly in that short stride used when carrying heavy loads. Her determined face would be set in the mold of mothers around the world grasping at straws in hope of helping their children.

At least one village in the north has been constructed specifically for those with spinal-cord injuries. After driving along a narrow, rough, dirt road, we entered the perimeter of the village on a cement roadway which ran through the village to the other end where the road became dirt again. The village was laid out in the shape of a large oval with houses distributed along branches radiating from the oval and ramps connecting the branches. All the paths were of cement so that wheelchairs could move easily along them.

At one end of the oval, a community building offered occasional movies and entertainment. There was no radio, and the TV did not work. Doctors asked us for medicine, particularly for vitamins and nutritional supplements for the patients. We spotted about 25 men in Vietnamese-style tricycle wheelchairs, many of them sharing their chairs with small children. The entire family of the spinal-cord patient had been moved with him into the village, where he would most likely spend the rest of his life. It seemed to me to be a dreary, monotonous life. There was nothing for these men to do except to roll to the edge of the village and look wistfully out across the wide expanse of rice paddies.

While the treatment and rehabilitation of the disabled were the initial focus of the Vessey teams' inquiry, the high incidence of disabilities among Vietnamese children called attention to the desperate need for improvements in preventive medical programs as well. As in much of the Third world, infectious diseases are the major factor in childhood mortality in Vietnam. Generally poor living conditions coupled with a low rate of immunization result in a population of children susceptible to the entire gamut of bacterial, viral and parastic diseases. Pneumonia and its complications account for one-third of childhood deaths. Malaria, diarrheal diseases, tuberculosis, rabies, plague, polio, measles, tetanus and leprosy are all being treated as facilities allow, but efforts are limited by shortages of vaccine, antitoxin and antibiotics.

Even if vaccines were available, Vietnam lacks the refrigeration facilities and transport needed to undertake mass immunization programs. In one children's hospital in Hanoi, newborn babies were fighting for their lives. I watched the mothers rocking their children in their laps and I imagined the horror of watching your child die for want of a single inoculation.

Hepatitis is rampant in Vietnam, with more than 10 percent of the population carrying the disease. It is frequently transmitting at birth from mother to child and ultimately results in high incidence of liver cancer. Active tuberculosis is rapidly growing throughout the population; unreliable tests discover only 50 percent of the infected adults and none of the children. Malaria is another major scourge, with 98,000 cases reported in Vietnam in 1987. An undramatic killer, malaria usually kills or stunts the physical and intellectual development of children under the age of 4. In Vietnam, this is viewed as a fact of life.

Nutrition problems not only increase susceptibility to infectious disease but directly provide the leading cause of infant morbidity. Vietnamese medical experts believe that 40 percent of all children in Hanoi under age 3 are malnourished. Protein and vitamin deficiencies cause blindness, dermatitis, rickets and slow physical and mental development. At one center, I saw a mother—sadly only one of many—whose crippled child was going blind from a lack of vitamin A. There was nothing she, or the clinic, could do.

It is important to point out again that these problems are not due to poorly trained or numerically inadequate health-care workers. Rather these men and women are limited by chronic shortages of Medical supplies and equipment. Moreover, the Vietnamese make the best possible use of the materials they have.

The main pediatric hospital in Hanoi, for example, has a program which focuses on educating mothers on how best to feed and care for their children. They have made clever use of minimal resources. One example is a specially designed plastic spoon with a big scoop on one end and a small scoop on the other. The mother is told that if her child has diarrhea, she should fill the small scoop with salt, the big one with sugar and put them into a cup of boiled water to feed the child. Education projects like this are essential to overcome age-old folkways. For example, if children have diarrhea, Vietnamese peasants traditionally do not give them anything to eat or drink.

The teams sent in by Vessey produced two reports which were distributed to private American humanitarian organizations for their evaluation. Many of those organizations have responded by proving prosthetic materials and equipment to existing rehabilitation centers, beginning surveys for possible construction of regional prosthetic facilities and sponsoring vists of Vietnamese specialists to observe our procedures and technology. One group is now planning a trip to Vietnam to do reconstructive surgery for children suffering from facial and other deformities. The State Department's desk officer for Vietnam, Laos and Cambodia, Michael Marine, is serving as a contact and coordinating point for anyone interested in helping the Vietnamese. A tax-exempt organization, the Foundation for Tomorrow, has also been set up to spearhead fundraising.

Although these efforts—and those of other countries and international organizations—are just the beginning of the response to help Vietnam, the resources currently available fall far short of the overwhelming needs of the Vietnamese, and official U.S. aid is dependent upon a Vietnamese withdrawal from Cambodia and a political settlement.

Vietnam provides us with a special chance this holiday season to remind ourselves of our humanitarian tradition. The initiative under way between our country and Vietnam is, I believe, supportable by all Americans. The families of our men still missing in action as well as the disabled child in Hanoi can benefit from the private generosity for which our country is so well known.

On a street corner in Hanoi near the Lake of The Restored Sword, I saw a blind man standing hesitantly on a curb. He was using a stick as a cane and was helpless until his friend returned to assist him. There are no white walking canes in Vietnam. There are no mobility programs for the blind in Viet-

nam and they, like the spinalcord-injured, are trapped within a very small environment.

Fear and ignorance contribute to the misery a disabled person must endure anywhere he lives in the world, including America. In one sense, Vietnam itself is like a disabled person among the family of nations.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1989, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is over the budget resolution by $0.9 billion in budget authority, and over the budget resolution by $0.4 billion in outlays. Current level is under the revenue floor by $0.3 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $135.7 billion, $0.3 billion below the maximum deficit amount for 1988 of $136 billion.

The material follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE
Washington, DC., February 27, 1989.

Hon. JIM SASSER,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1989 and is current through February 24, 1989. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the most recent budget resolution, H. Con. Res. 268. This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, Congress has taken no action that affects the current level of spending or revenues.

Sincerely,

JAMES L. BLUM,
Acting Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONGRESS, 1ST SESS. AS OF FEB. 24, 1989

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 268 [2]	Current level +/− resolution
Fiscal Year 1989			
Budget Authority	1,233.0	1,232.1	.9
Outlays	1,100.1	1,099.8	.4
Revenues	964.4	964.7	−.3
Debt subject to limit	2,706.8	[3] 2,824.7	−117.9
Direct loan obligations	24.4	28.3	−3.9
Guaranteed loan commitments	111.0	111.0	
Deficit	135.7	[4] 136.0	[5] −.3

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] In accordance with sec. 5(a)(b) the levels of budget authority, outlays, and revenues have been revised for catastrophic health care Public Law 100–360).

[3] The permanent statutory debt limit is $2,800.0 billion.

[4] Maximum deficit amount [MDA] in accordance with section 3(7)(D) of the Congressional Budget Act, as amended.

[5] Current level plus or minus MDA.

PARLIAMENTARIAN STATUS REPORT, 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS FEB. 24, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			964,434
Permanent appropriations and trust funds	874,205	724,990	
Other appropriations	594,475	609,327	
Offsetting receipts	−218,335	−218,335	
Total enacted in previous sessions	1,250,345	1,115,982	964,434
II. Enacted this session			
III. Continuing resolution authority			
IV Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Dairy Indemnity Program	[1]	[1]	
Special Milk	4		
Food Stamp Program	253		
Federal Crop Insurance Corproation Fund	144		
Compact of Free Association	1	1	
Federal Unemployment Benefits and Allowances	31	31	
Worker Training	32	32	
Special Benefits	37	37	
Payments to the Farm Credit System	35	35	
Payment to the Civil Service Retirement and Disability Trust Fund [2]	(85)	(85)	
Payment to Hazardous Substance Superfund [2]	(99)	(99)	
Supplemental Security Income	201	201	
Special Benefits for Disabled Coal Miners	3		
Medicaid:			
Public Law 100–360	45	45	
Public Law 100–485	10	10	
Family Support Payments to States:			
Previous law	355	355	
Public Law 100–485	63	63	
Veterans' Compensation COLA (Public Law 100–687)	345	311	
Total entitlement authority	1,559	1,121	
VI. Adjustment for economic and technical assumptions	−18,925	−16,990	
Total current level as of Feb. 24, 1989	1,232,979	1,100,113	964,434
1989 budget resolution H. Con. Res. 268	1,232,050	1,099,750	964,700
Amount remaining:			
Over budget resolution	929	363	
Under budget resolution			266

[1] Less than $500,000.

[2] Interfund transactions do not add to budget totals.

Note.—Numbers may not add due to rounding.●

ROSE AUSTRUMS

● Mr. SIMON. Mr. President, it is in times of great danger and great sacrifice that heroes rise from the ranks of people who may view their tasks as ordinary, but are known to all of us as true heroes. I rise, Mr. President, to call to the attention of my colleagues such a person: Mrs. Rose Austrums.

During World War II Soviet Latvia was occupied for a time by German forces. In order to establish a hospital for the care of wounded Germans, troops ordered the evacuation of an orphanage run by Mrs. Austrums and four others. The orphanage housed 130 Latvian children and their evacuation placed the entire group on a perilous journey into Germany.

At first by bus to the Riga Harbor, then by ship, train, foot, and horse drawn carriage Rose Austrums held these children together as they traveled through a series of small German towns. The children suffered through disease, malnutrition, and the nightmares of war. One child even died.

But the courage of Rose Austrums prevailed and managed to keep her family of Latvain children and workers together. Her indomitable spirit spared those children tragedies others could not escape.

Today the children of Rose Austrum's family are citizens of the world in a variety of nations and throughout our own United States. Rose Austrums settled in Omaha, NE, and is now a vibrant member of her community.

It is people like Rose Austrums, those willing to help for no reward other than the mere satisfaction of doing their jobs, who must stand before this Chamber and this Nation as shining examples of courage and values. Mr. President, I ask that my colleagues, on behalf of this Nation, join me and commend her efforts.●

EDUCATIONAL TESTING REVEALS U.S. ROCK BOTTOM

● Mr. SIMON. Mr. President, one of the consistently stimulating forces on the American scene today is the president of the American Federation of Teachers, Albert Shanker.

Recently, his column that appears in the New York Times was about U.S. schools and the international mathematics and science tests.

What he has to say is significant, and I urge my colleagues in the House and Senate to read his column.

I ask that it be printed in the RECORD.

The column follows:

INTERNATIONAL MATH AND SCIENCE TEST—U.S. ROCK BOTTOM

(By Albert Shanker)

For those who thought A Nation at Risk could be dismissed as mere inflammatory rhetoric, a new report gives us the facts without the emotional tone. There's no doubt that our nation is at risk, according to a devastating study issued last week. The study, A World of Differences, compares the math and science performances of 13-year-old students from the U.S. and 11 other countries and Canadian provinces. The U.S. comes out rock bottom, not even close to the top group.

Both the math and science tests were designed to determine what percentage of the 13-year-olds could do problems at different levels of difficulty—indicating different levels of understanding and achievement. In

math, the easiest and lowest level was the ability to add and subtract. All students did well at this, with 97% of U.S. students able to add and subtract, and all others scoring 98, 99 or 100%.

At the next level, the story was different. When students had to solve a simple, one-step problem by figuring out whether they should add, subtract, multiply or divide, over 90% of the students in eight of the 12 countries succeeded. But in the U.S., only 78% of the students could handle this task—the lowest percentage of any country or province.

The next test measured the ability of students to solve two-step problems where both addition and division are needed—like finding the average age of a group of students. Only 40% of U.S. students could solve these problems, while 78% of Koreans could. In five of the 12 countries, 65% of the students or more succeeded.

The gap gets wider as we test for "understanding concepts"—solving more complex problems and understanding measurements and some geometry concepts. Forty percent of the Koreans and 16-24% of students in six other countries were able to do these problems. But only 9% of American students and 7% of those in French Ontario were able to perform at this level.

At the highest and most difficult level—interpreting data from complex charts and applying mathematics learned in school to real-world problems—5% of the Korean students but only 1% of U.S. and most other nations' 13-year-olds succeeded.

The science results were similar. In all countries, between 96-100% of the students knew simple, everyday facts. But at the next level—applying simple scientific principles—seven of the 12 countries scored between 90-95%, while the U.S. and Ireland were lowest with 78% and 76%, respectively.

Even larger differences emerged at the next level—the ability to analyze experiments. Korea came in at 73% and British Columbia at 72%, while the U.S. had only 42%; Ireland, 37%; French Ontario, 35%; and French New Brunswick, 35%.

At the highest level tested—applying scientific principles—over 31% of British Columbian students and 33% of the Koreans showed proficiency, while in the U.S. only 12% did, with three countries below us.

Ironically, when the tested students were asked whether they thought they were good at math, only 23% of the Koreans—the highest achievers—said yes (perhaps due to cultural modesty). But 68% of U.S. students—the lowest achievers—answered yes! (We scored highest on immodesty.)

What are we to make of this? Marshall Smith, Dean of the School of Education of Stanford University, in a recent conversation about sciences, said the battle is lost in grades K-8. Very few U.S. students enter high school prepared to do high-school level science. Teachers in many elementary schools teach almost no science because they themselves have never taken a serious science course, have no one to turn to for help, have very little equipment or lab facilities, among other problems.

What is true of science is largely true of math. In many states, there are no math or science requirements for licensing elementary school teachers. Where they do exist, the requirements are satisfied by demonstrating skill at the lowest level—simple computation and knowledge of basic scientific facts. As students go on to secondary schools, they're most likely to be taught by math and science teachers who are not really math and science teachers; they're teachers of other subjects forced to teach math and science, which they're not prepared to do.

Testing is also implicated in the mess we're in. Most school systems put no emphasis on science because they spend most of their time on the skills measured by the standardized tests that determine their system's reputation. That means lots of time on basic reading and low-level math.

Some other interesting facts emerge from the study. With the exception of the U.S., all the other places have either a provincial or a national curriculum. Korea, which did the best, has a much longer school year—220 days. But British Columbia, which also scored very well, does not have a long school year—185 days.

Of great interest is the fact that Korea is the only place that does not rely on classroom lectures and textbooks alone. Starting there in the 1970s, "The main thrust has been to develop an instructional system that draws not only on classroom lectures and the reading of textbooks but also on multiple learning materials and an extensive and very sophisticated set of television and radio programs."

Given the importance of math and science for business and industry, for national defense and for the intelligent exercise of citizenship, the U.S. faces disastrous consequences if these results are not turned around. It will be very difficult to do because we aren't producing enough college graduates who know enough math and science to meet the needs of business, the military and the schools. This is one problem that no "Education President" can refuse to ignore.

The study was conducted by the Educational Testing Service, Princeton, N.J., using the techniques developed by the National Assessment of Educational Progress. The countries and provinces included were: U.S., Korea, French Quebec, English Quebec, British Columbia, English New Brunswick, French New Brunswick, English Ontario, French Ontario, Spain, the United Kingdom and Ireland.●

SUBCOMMITTEE WITNESS TESTIMONY ON SEMIAUTOMATIC ASSAULT WEAPONS

● Mr. SIMON. Mr. President, on February 10, the Subcommittee on the Constitution, which I chair, held a hearing on the topic of semiautomatic assault weapons. Because of the large number of requests for witness statements from that hearing, I ask that the statements be printed in the RECORD.

The statements follow:

[From the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Feb. 10, 1989]

STATEMENT OF EDWARD D. CONROY ON DEPUTY ASSOCIATE DIRECTOR, LAW ENFORCEMENT

Thank you for inviting me to appear before this committee to address you on the subject of semi-automatic firearms and the obvious increase in firearms-related violence. This committee is well aware that seldom does a day pass when we do not hear of some firearms-related violence. Whether it be a drug-related shoot-out, a tragic, senseless shooting of innocent victims by a seemingly crazed individual or a gun battle between law enforcement officers and an armed career criminal, these types of incidents are seemingly commonplace and evoke the sensibilities of all Americans.

The Bureau of Alcohol, Tobacco and Firearms is the law enforcement agency tasked with the responsibility for enforcing the Federal firearms laws and regulations. Let me state that ATF is totally committed to using these laws in the ongoing war on drugs and particularly drug-related firearms violence. Further, we are using the additional weapons provided by the Congress in 1984, with the passage of the Armed Career Criminal Act, to stop the repeat offender who is responsible for the increase in murders, robberies and aggravated assaults.

Unfortunately, the crazed random shooter whose actions can never be rationalized is another problem entirely. Because of the difficulty in pre-identifying these individuals, we must rely on observant and concerned citizens who report to police changes in behavior of individuals. Tipsters and firearms dealers are also very important, as they alert law enforcement officials when questionable individuals acquire firearms.

Fifteen years ago, police rarely encountered armed drug dealers. Today, it is a different story. Firearms have become status symbols and tools of the trade for drug dealers. The proliferation of quality, high-powered firearms is an ever-increasing problem for law enforcement. This proliferation is fueled by the drug dealers' proclivity towards firearms and their all to apparent propensity for violence. Local crime statistics reflect the increasing use of firearms in drug-related murders and homocides.

Violent incidents involving the killing of police have increased at an alarming level. During 1985 through 1987, 198 law enforcement officials have been killed in the line of duty by firearms.

In September, 1988, a Los Angeles police officer was killed by a suspect armed with an AKS rifle.

In December, 1988, a Dallas, Texas police officer was killed while making an undercover narcotics purchase. The weapon used was a TEC 9, 9 mm pistol.

The illegal trafficking and use of firearms is tied to the growing drug trade, and today's criminal is armed to kill. The weapons of choice range from the semi-automatic 9 mm pistol to the AR-15 semi-automatic rifle to fully automatic machine guns.

The following incidents are illustrative of the violence and the potential for violence that exists today.

March, 1988—9 murders occurred at a posse-operated crack house. The weapon used was an AR-15 semi-automatic rifle.

April, 1988—6 subjects who were part of a heroin trafficking operation were arrested in New York. 50 AR-15 rifles converted to function as machine guns were seized.

May, 1988—ATF agents in Los Angeles executed a search warrant at an alleged drug trafficking location. Prior to being arrested, one suspect fired 15 shots from an AR-15 at the agents.

June, 1988—ATF, DEA and the Houston PD executed a search warrant and recovered a converted MAC 11 with silencer and a converted AR-15 along with 198 kilos of cocaine.

August, 1988—ATF and DEA executed a search warrant and recovered a converted UZI with silencer and 13 kilos of cocaine.

September, 1988—ATF seized an AR-15 and a kilo of cocaine from a Crips gang member in Maryland.

December, 1988—6 family members were killed in Algona, Iowa, by shots fired from a

Mini-14 semi-automatic rifle allegedly purchased through a newspaper ad.

December, 1988—A high school student armed with a MAC 11 type semi-automatic pistol shot 2 teachers, killing one. The pistol had been purchased from a licensed dealer by a relative.

December, 1988—Two suspects were arrested in Arizona in possession of 37 AKS semi-automatic rifles and 450 pounds of marijuana.

January, 1989—A Los Angeles Crips gang member was indicted for the possession of a converted M-11 with silencer that had been used in a robbery and homicide. The subject has two prior felony convictions.

January, 1989—An individual opened fire with an AKS semi-automatic rifle in a California school playground. Five children were killed and 30 wounded.

This list incident involving the AKS-47, semi-automatic rifle has raised a number of questions across the United States.

The senseless slaughter of children by a man wielding a sinister military looking weapon causes us to ask not only why but how. We have heard the firearm used in this tragedy described in many ways—assault rifle, para-military weapon, AK-47, AKS 47, AKS, AK47S and so forth. In terms of the Gun Control Act of 1968, as amended, these types of weapons are defined as rifles. The particular weapons in question happen to be "rifles" that function in a semi-automatic mode.

To purchase a semi-automatic rifle, an individual need only certify to a firearms dealer that he is not a felon or a fugitive from justice; not an unlawful user of or addicted to any controlled substance; never been adjudicated as a mental defective; that he is not an illegal alien; has not been discharged from the Armed Forces under dishonorable conditions and has not renounced his citizenship in the United States. The individual completes this firearms transaction form and is free to receive the firearm unless there is some state prohibition. Only three states currently have waiting periods for purchasing rifles.

The terms "assault rifle" or "para-military" weapons are not defined in Federal law. Generally speaking, "assault rifle" is a label attached by the manufacturer or by some military entity. "Para-military" weapon is a colloquialism that, depending on who is using it, can refer to anything from a firearm painted black or olive drab to a weapon employed by a group that follows a military-like regimen. Usually, it identifies a weapon that has been modeled—at least in appearance—after an already existing military weapon.

AKS is but one of at least eight model designations for the same semi-automatic rifle manufactured in China and imported into the United States. The AKS is a semi-automatic version of the AK-47, standard assault rifle of the Soviet Army since the 1950's. The AK-47 is a select fire weapon capable of firing 600 rounds per minute on full automatic and 40 rounds per minute on semi-automatic. The AKS and the AK-47 are similar in appearance. The AK-47 is an NFA type weapon, having been manufactured as a machine gun. The AKS is difficult to convert, requiring additional parts and some machinery. A firearms expert with the knowledge and aptitude, as well as the additional parts and necessary tools would take about 30 minutes to convert the AKS to fire fully automatic. The AKS is a semi-automatic that, except for its deadly military appearance, is no different from other semi-automatic rifles. As a matter of fact, the identical firearm with a sport stock is available and, in appearance, no different than other so-called sporting weapons.

There can be little doubt that increased firepower is now more available than ever before. The drug trafficker, the career criminal and the unstable individual—cued by whatever stimulus—are reaching for those firearms that he has seen portrayed in the media as the firearms of this particular ilk.

War movies use the M-16/AK-47 weapons, while other violent criminal movies endorse other types of firearms. Whether the media influences the types of firearms user we have been discussing, or this criminal element has influenced the types of firearms used in the media, can be debated. However, a point that cannot be debated is the fact that we are now, more than ever before, aware of the escalation of firearms-related violence and the increasing potential for firearms-related violence.

[From a hearing of the Senate Subcommittee on the Constitution of the Judiciary Committee]

TESTIMONY REGARDING NEED FOR REGULATION ON MILITARY ASSAULT WEAPONS

(By Daryl F. Gates, Chief of Police, Los Angeles Police Department)

PROPOSED REGULATIONS ON MILITARY ASSAULT WEAPONS

Our nation is confronted by an intolerable and growing threat to the most cherished right of our people—the right to life. That threat is posed by the proliferation of military assault weapons in the hands of criminals and crazies.

On January 17, Patrick Edward Purdy walked onto the crowded grounds of Cleveland Elementary School in Stockton, California, armed with an AK-47 military assault rifle and plenty of ammunition. He then sprayed the crowd of students with gunfire, leaving 5 innocent children dead and 29 others injured.

My Police Department has already lost two officers who were killed by assault weapons. Detective Thomas Williams was murdered in a drive-by ambush shooting by Daniel Jenkins on October 21, 1985. Jenkins, a hardened criminal, was armed with a MAC-10. Officer Daniel Pratt was killed in a drive-by shooting on September 3, 1988. The killer used an AR-15. Kirkton Moore, a violent gang member, is awaiting trial for the murder of Officer Pratt. I do not want any more officers to be spray-gunned to death by street punks armed with high tech killing machines.

I believe such weapons can be, and should be, legislated out of the hands of killers. The most formidable resistance to such legislation has come from those who hold reverent the right to bear arms. Those well-meaning people have in the past rallied in opposition to any proposed legislation that even hinted at gun control. I would say to those people that I, too, believe in the right to bear arms. I am not a gun control advocate, and I do not believe in general gun control. But recent events have convinced me that we all should stop thinking in terms of "Gun Control" and start doing something about "Gun Responsibility" and a reasonable right to bear arms.

The membership of the NRA is the largest, most vocal group of supporters of the right to bear arms. I believe that most people in that organization are ready to support responsible, restrictive legislation against assault rifles. In California, Ken DeChambeau, a lobbyist for the California Rifle and Pistol Association, which is closely affiliated with the NRA, has been quoted in the Los Angeles Herald Examiner as saying, "I'm willing to consider a compromise. The old rhetoric doesn't apply anymore. . . I'm willing to sit down with anyone reasonable and discuss ways of doing something. We've got to stop having dead children in our school yards."

I appreciate Mr. DeChambeau's realistic attitude and his honesty. I believe there are many more responsible men and women in pro-gun organizations such as the NRA and the California Rifle and Pistol Association who share those sentiments. With the help of these people, I'm sure that reasonable and workable laws can be passed.

The Second Amendment to the Constitution reads, "A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed." We should pay close attention to the words "well-regulated." The Second Amendment gives no more of an absolute right to bear arms than the First Amendment gives anybody the right to yell "Fire!" in a crowded theater.

A reasonable right to bear arms does not mandate that weapons designed and built for the express purpose of killing human beings on battle fields be made available to the general public. In fact, the general public is already prohibited by the National Firearms Act from owning most weapons built for that purpose. Also, the National Firearms Act strictly regulates access to other weapons, such as machine guns. Yet, through an error in judgement, we have allowed assault rifles to flow unrestricted across the counters of our gun shops and into the hands of too many criminals.

It is time to correct that error. Doing so will not be a "foot in the door" for gun control advocates. It will be a courageous and responsible move by reasonable people.

A coalition of criminal justice officials, including myself, began working last November on legislation to prohibit assault weapons in California. That legislation, introduced as California Senate Bill 292 (attached), would do several things. First, it would prohibit the sale, manufacture, and possession of all weapons that fall under a generic definition of "assault weapons," with certain specified exemptions. Next, it would create an Assault Weapons Commission whose task it would be to exempt other firearms when it is found that a particular firearm is a legitimate sports or recreational firearm. Finally, SB 292 would increase prison terms for those found guilty of using assault weapons in the commission of crimes. I strongly endorse this legislation and submit it as a model for similar Federal legislation.

The following additional points should be included in any new Federal legislation:

(1) The sale and manufacture of firearm magazines capable of holding 20 or more rounds of ammunition should be banned. This ban is necessary to ensure that exempted rifles and pistols aren't outfitted with the same deadly capacity as their outlawed cousins.

(2) Importing assault weapons should be prohibited. This is a logical step consistent with our own proposed restrictions on the weapons.

(3) Military assault weapons could be regulated by amending the National Firearms Act.

I urge the Congress to act on this issue—now! I believe that the majority of people who believe in the right to bear arms, as I do, will join with us in making it a reasonable right. Reasonableness means that a demented young man from Stockton cannot purchase an assault rifle across the counter at a local gun store, anywhere.

AK-47s, like the one Patrick Purdy used in Stockton, MAC-10s, like the one used to kill Detective Williams, and AR-15s, like the one used to kill Officer Pratt, are examples of military assault rifles that can be purchased right off the shelf in less than the time it takes to buy a pair of shoes. That ought to be a crime. I urge you to make it just that—a crime.

Attachment.

[S. 292 was not reproducible for the record.]

STATEMENT OF WILLIAM PATTISON ON BEHALF OF THE NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS BEFORE THE SENATE SUBCOMMITTEE ON THE CONSTITUTION

ASSAULT WEAPONS

Distinguished Senators and Staff: My name is William Pattison. I serve as Executive Vice President of the National Association of Police Organizations which represents over 90,000 police officers from Alaska to Florida, from California to New England, on the local, state and federal levels.

In addition, I am President of the Superior Officers Association of Nassau County, New York.

By way of background let me say that I began walking a beat twenty-nine years ago on the Nassau County police force. I presently hold the rank of Sergeant. Ours is a police family in that my son is a member of the California State Police.

As I am sure you are aware Nassau County is a bedroom community of the Greater New York Metropolitan area. Nassau's population is approximately 1.5 million. Our police force is the ninth largest in the United States consisting of some 4,000 officers.

In its first decade of existence NAPO, the National Association of Police Organizations, has had one main goal, namely to serve as a national advocate for rank and file police officers so that their views might be conveyed effectively to federal lawmakers and officials who enact, administer and implement federal laws and policies. We believe that we have been a useful sounding board to the legislative bodies and federal agencies which have the awesome task of determining how life in these United States will be lived.

In our role of advocate, we want Congress to know that the hundreds of thousands of dedicated police officers in our land have come to recognize the brutal fact that our streets, which we are pledged to patrol and keep safe for our fellow citizens, have become combat zones in which drug gangs, paramilitary groups, and other criminal elements prey upon the public, armed with assault weapons manufactured at home and abroad for military purposes.

Even suburban Nassau County, which once enjoyed a reputation as having a low crime rate, is now beseiged with drugs of all kinds, drug trafficking and a huge supply of weapons. Our present crime rate is astonishing.

The availability of, and access to, assault weapons by criminals has become so substantial that police forces are being forced to upgrade the weapons supplied to police officers merely as a matter of self-defense and self-preservation. The six-shot 38 calibre service revolver of old is no match against a criminal with a semi-automatic weapon.

While it is necessary, we do not believe that improving the weapons provided to police is the solution to the problem of assault weapons.

Instead, we in NAPO are convinced that prompt and decisive action by Congress is required to deal with assault weapons themselves. At the NAPO Executive Board meeting in Washington, D.C. held on January 31, 1989, NAPO's Board adopted a resolution, a copy of which is attached to this statement, which calls for the enactment by Congress of a ban on assault weapons after consultation with law enforcement representatives and other interested groups.

We believe such a ban would be a step in the right direction. It will send a message to the country that we will not permit America to become a shooting gallery or an armed camp, and that as a nation we can reverse the violent course that America is traveling. We must take the suggestion of our newly-elected president and find ways to become a "gentler and kinder" society. We must end the maiming and killing of our children, our citizens and our police officers.

We wish to state further, however, that a ban on assault weapons would be but one step on a much larger road that lies before us in the area of crime prevention and drug law enforcement. We have already conveyed to every member of Congress by letter dated January 27, 1989, from our President, Robert Scully, our concern over the lack of funding in the area of drug law enforcement under the Anti-Drug Abuse Act of 1988. We wish to state clearly and unequivocally that much more must be done in the areas of law enforcement, employment opportunities, training, education, housing, and the like if this country wishes to avoid the establishment of a large, permanent, threatening underclass of criminals and drug traffickers who will destroy the civil peace and domestic tranquility that the Founding Fathers sought to establish and maintain on these shores over two hundred years ago.

Thank you for this opportunity to come before you.

NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC. RESOLUTION

Resolution adopted by the National Executive Board of the National Association of Police Organizations (NAPO) on January 31, 1989, Washington, D.C.

As a matter of policy, the National Association of Police Organizations (NAPO) believes that the ready availability of assault weapons constitutes a serious danger to police officers and other members of the public.

Therefore, NAPO believes that Congress should carefully consider and enact appropriate legislation to ban such weapons as the AK-47 and other assault weapons after consultation with law enforcement groups and other interested parties.

STATEMENT BY LORI MACKEY, TEACHER AT CLEVELAND ELEMENTARY SCHOOL

My name is Lori Mackey and I am a teacher of hearing impaired children at Cleveland Elementary School in Stockton, California. I am here to report the facts of the tragic and fatal shooting by a single gunman on January 17, 1989.

At 11:43, 400 children were playing during their lunch recess. Four to five minutes later, five children were dead, and 29 children and 1 teacher were wounded. Now 23 days later, 5 are still hospitalized with gunshot wounds. Until that day, recess was a time of carefree play for those children, and school was a safe place to come and learn. Today children at Cleveland Elementary still go out for recess. But now they look at passersby with suspicion and fear. My students are disconcerted every time the door to my classroom unexpectedly opens. They won't return to their work until I have assured them that the person at the door poses no threat. There are patched bullet holes in our building today, a reminder to these children and me every day of how vulnerable we are every time we gather to work, study, or play.

I'd like to tell you the story of what happened at our school that day. At 11:35 a.m., the intermediate children (grades 4-6) were in their classrooms for academic instruction. The 400 primary students were outside enjoying the sunshine, innocently playing during their recess. My class had begun a math lesson, along with five hearing students who had just joined us. It appeared to be a normal day.

At approximately 11:43 a.m., our lives were to be changed forever. A young man, Patrick Purdy, parked his old green station wagon just outside of our campus on the back street. He ignited a long fuse to a homemade pipe bomb to blow up his own car. Then he entered the campus through a back gate, walked up the walkway towards our portable building, crossed behind the building to the back corner of our room, faced the playground and began shooting at the primary children with an AK-47; a semi-automatic weapon.

At that time, I was with a majority of the children up at the front of the room. I heard the shots, and quickly assessed them to be firecrackers. Shortly after the onset of the "popping sound," I heard a more intense explosion. I thought that someone had tied several fireworks together in a bundle and that they had exploded in unison. As the sounds continued, I immediately got up and walked to the door. Looking out the window, I saw to my left, approximately 5 to 6 feet away, a young Caucasian male dressed in Army fatigues who was holding a large weapon at his hip facing the play yard making wide sweeps with his gun. The intense sound pierced my ears. The look on the man's face was that of deep concentration. He did not look angry or pleased, just determined—determined to hurt innocent children at play. That look is one that I will remember for the rest of my life! I turned towards the direction of the playground, and out an adjoining window, I could see the pandemonium that was occurring. Children were scattering in every direction—I could hear their screams from where I stood. I continued my turn towards the children in my class and immediately instructed them to get down and to crawl to the back of the room under the safety of a large table which was secluded from the window on the door. I prayed that he would not see us. Maybe in his craziness, he would just assume that we were out for recess, as well. Under that table, the children and I shuddered with each rapid shot. I grabbed the telephone to phone the office. When they answered, I begged for them to call the police telling the person on the other end that a man with a gun was outside of our room.

After a minute or so, the shots stopped. We were terrified that he would enter the classrooms to do additional damage. As we

lay still, we watched his shadow through our four windows on the back wall. He walked past the back of our room. His journey to the other side seemed to have him moving at a snail's pace. On the east side of our building, he resumed his attack. He began shooting from his new position, again towards the playground. I immediately stood up to lock our door. "He would not come in to take us hostage," I thought. Apparently not satisfied with his "accomplishments", he once again traveled back to our side of the building to fire additional rounds! The children were terrified! As I looked at the children, the thought that I would never see any of them again entered my mind! Soon, the shots ceased and, for the last time, we watched him walk to the east side. At that point, we heard one isolated shot! Silence. We lay terrified. Had he entered one of the other classrooms? Had he taken the children hostage? Was he returning to our side? The silence was as deafening as the gunfire.

For twenty minutes or so, we sat in that silence. What was happening? Finally, a police officer came to the door and told us to stay hidden. He indicated that the gunman "had been shot over there," but there was a possibility of a second suspect. Were there enough officers on the campus to stop a second crazy man with a weapon powerful enough to kill and injure scores of people in a matter of seconds, I thought? The realization of what had happened, combined with this new fear of a second gunman, grabbed me. The tears started to fall; I could not be strong any longer. I can't explain the thousands of thoughts that went through my mind in those 20 minutes or so. What had any of these precious children done to deserve such hell? What had they done to this man to make him want to hurt them? What had any of us done to be devastated so terribly? How could one man, with one weapon, do so much damage to so many people?

While we lay there patiently awaiting our destiny I could hear helicopters and sirens all around us. As I peered out of the window, I could see the paramedics loading the children onto stretchers and administering medical attention as needed. Police and paramedics were everywhere. What kind of damage did this lone gunman do?

After approximately 20 minutes more, the police officers came to our door once again. They escorted us to an interior hallway where we were to wait for further directions. On the long journey across the playground, it was unavoidable for us not to see the bodies of three of the dead children lying on the ground covered with white sheets. The children wanted to know what had happened, but all I could tell them was that I didn't know, and that we shouldn't look. How could they be subjected to these inexplicable deaths at such a young age? How could I ever find the words to explain that children from their own school were lying before them—dead from the gun of a single gunman?

Since January 17, the lives of so many people have been drastically changed, not only in the population of Cleveland Elementary School, but in the entire community, in our state, our nation, and the world. The evidence of the impact is in the more than 500 letters that have poured into our school daily since that fatal day. Children from across the nation have written to express their sympathy and to say that they, too, are afraid to go to school now. We've heard from high school students whose concerns over this incident has prompted letters from them to their Congressmen and Senators. They wondered how a civilized society could allow anyone to purchase a weapon that can cause such terrible devastation. Parents have written of the fear that I, my family and friends, and the people in the educational community face . . . how can we protect our children who are so vulnerable to such a senseless act?

My students have demonstrated fearful behavior which was not apparent prior to the shooting. Their parents come to me daily with reports that their children are afraid to be in their bedrooms alone, afraid to sleep without a light on, and afraid of any stranger that they encounter. Nightmares are a regular occurrence. Anger rears its ugly head for no obvious reason. These are the effects on children who saw just the shadow of the gunman. They did not hear the gunshots, but only felt the vibrations of each round. They did not see their playmates fall to the ground around them. The children that were outside when the massacre occurred are faced with even greater devastation.

Personally, my life has been changed forever. In a matter of five short minutes, I am a different person. I will never look at things again in the same manner. Prior to my encounter with Patrick Purdy, I was a very trusting person. I looked at all people and saw good. Now, I look at each and every stranger with fear and suspicion. I jump at each loud noise, and cringe at each siren. My school, which has always been a peaceful haven for me, is now a place of fear and uneasiness. I once was able to sit alone in my classroom before and after school for great lengths of time to work on lesson plans, bulletin boards, and to meet with parents. Now, it is too frightening for me to be in the room alone. I enter the room with the students, and exit with them also. I worry that my effectiveness as a teacher will diminish, yet I can't find the strength to overcome my fears. I am not alone . . . these anxieties and fears live in each and every one of us at Cleveland School.

All of this alteration and destruction of lives was the result of one person—Patrick Purdy—who was able to plan the aggressive act, go to a store and purchase a semi-automatic weapon for the sole purpose of killing a large number of innocent, vulnerable human beings—in this case, children. It is quite obvious that his intent was not to kill merely 5 and wound 30 individuals. On his chest, he wore a weapon's pack filled with more than 300 additional rounds!

The teachers and staff that were present at the time of the shooting were quick to react, and risked their own lives to save the lives of these innocent children. Yet, why should we or any other person be placed in this position? We can't build a wall around us to protect ourselves from this type of cold, calculating murderer. Why aren't there laws to protect us from this kind of madness? Why are these malevolent machines even allowed to be produced and sold to anyone who has the money to pay for them? Only Congress has the power to pass a comprehensive law which will protect all citizens from a person who would purchase one of these weapons in one state and then travel to another to wreak havoc. Does it always have to take a tragedy of this magnitude to get any action? We at Cleveland School and the rest of the country want to know, "Has there been enough suffering to warrant action, now?"

TESTIMONY OF JOHN F. HANLON, JR., BEFORE THE SUBCOMMITTEE ON THE CONSTITUTION

Mr. Chairman, Members of the Subcommittee: By way of introduction, I am John F. Hanlon, Jr., currently engaged in the private practice of law in Fort Lauderdale, Florida and soon to join the staff of the Florida State Attorney in Broward County, Florida as a prosecutor. Subsequent to my graduation from the Georgetown University Law Centre, I was employed by the U.S. Department of Justice, Federal Bureau of Investigation. During my Bureau career, from August, 1963 until November, 1987, I served in seven field divisions, and at F.B.I. Headquarters and held Special Agent Investigator, Supervisory and Executive positions.

On April 11, 1986, at Miami, Florida, I took part in what has been characterized as "the bloodiest day in FBI history." On that day, certain members of the C-1 Squad, the team charged with the responsibility of investigating bank robbery, kidnapping and fugitive matters, happened onto two heavily armed bank/armored car robbery suspects. These two, one armed with a twelve gauge shotgun and a 357 Magnum revolver and the other a Ruger Mini 14 Assault Rifle with 30 round "banana" clips of ammunition and a 357 Magnum revolver were suspected of committing a number of bank/armored car robberies characterized by ever escalating violence. During two of the robberies, guards were shot. One of the guards was shot twice as he laid on the ground, critically wounded. A third individual was killed and his automobile stolen. A fourth was shot several times at point blank range and his car stolen. Fortunately, this man survived. Before the investigation was completed, the two, William Russell Matix and Michael Lee Platt, were believed responsible for the deaths of seven people, including two FBI agents.

During the course of the shoot-out which lasted approximately four minutes, Platt, the man armed with the Ruger Mini 14 fired 45 shots, 42 of them with the assault rifle. It was he, armed as he was, who killed the two agents and injured the others. During the course of the shoot-out, Supervisory Special Agent (SSA), Gordon McNeill was wounded in the hand and head and left paralyzed in the street from a shot down through his shoulder and into his back, with fragments lodged against his spine. SSA McNeill who can walk, has no feeling from his chest down. Special Agent Edmundo Mireles was shot through the left arm, two inches of bone, muscle and tendons were blown away and he has been left with an almost useless arm. These two brave men are still on duty with the FBI. I was shot in the head, in the right hand and fingers, and suffered numerous fragment hits in the right arm and thigh. While trying to stem the flow of blood gushing from my right arm, I watched Platt stand between my legs and shoot me in the groin at point blank range. He then killed Agent Ben Grogen who fell at my feet. I heard his death rattle. He then shot Agent Jerry Dove who fell right next to me with his head some six inches from my face. Platt then shot him in the back of the head, execution style. Platt stood over me firing into the street. I thought his weapon was on full automatic due to the repidity of fire. Shell casings fell on my head and chest. Two other agents were injured slightly. Platt and Matix then got into the Bureau vehicle and attempted to flee. Agent Mireles so seriously wounded earlier, miraculously and coura-

geously got up off the ground, walked up to the car and emptied his revolver into the two of them, thus ending the fight. Fortunately, Matix only fired four shots, one from the shotgun and three from his handgun. Had he been similarly armed as Platt, with an assault rifle and was as active, none of us would have survived the carnage that day.

As you might imagine, there was much made of our actions on that day. We received numerous awards for bravery, and much favorable comment from the media and the public. All of this is fine and very much appreciated. However, it must be remembered that as law enforcement officers we were merely doing our job, the job we signed on for and the job the public has a right to expect. We did our duty, plain and simple and that is all.

While I am certainly flattered that my views have been sought on such an important piece of gun control legislation as that restricting the sale of assault type weapons, I really do not believe that I can tell this distinguished panel anything that they do not already know. Simply put, the United States of America, supposedly the most civilized nation in the industrialized world, has become through the proliferation of weaponry of all kinds and calibers as well as the spread of cheap, addicting drugs, an extremely violent and an extremely dangerous place in which to live and work.

In 1983, the Superintendent of Police for the City of Chicago, told a panel made up of ABC newsmen, including David Brinkley, George Will and the ever popular Sam Donaldson "We are an international disgrace when it comes to firearm violence." I felt this way even before the shoot-out in April, 1986.

The topic of gun control has been studied and studied and studied. Northeastern University in Boston, after a statistical study, found that strict gun control legislation cuts down on the utilization of guns during the commissions of crimes, including homicides. The Attorney General's Task Force Report on Violent Crime issued in 1981 found that crimes committed by armed individuals represented a severe problem of violence in this nation. The Task Force noted the ineffectiveness of federal legislation brought about by breakdowns in enforcement and unintended loopholes in the laws and called for broad, sweeping legislation.

Now we find ourselves in 1989 with ever increasing bloodshed and terror brought about by easy access to weapons. A month ago, in Dade County, Florida, a policeman in pursuit of an automobile had his cruiser sprayed with automatic weapons fire from an AK-47 assault rifle. In Stockton, California, a lunatic with a criminal background, armed with an assault rifle, killed a number of school children at play in a fusillade of bullets. What a tragic picture.

In the face of this, the gun lobby, lead by the National Rifle Association, probably the most powerful lobby in the United States, inundates us with a much different picture—a picture of a man, his boy and a dog, clad in camouflage hunting gear, walking through fields of newly fallen snow with long guns over their shoulders. This may be fine, but does the father and his son need an assault weapon, an AK-47, an M-16, a Ruger Mini 14 or a Mac-10 machine gun with 30 round "banana" clips of armour piercing bullets to "bag" a quail? I think not. Can a man and his son obtain such weapons, weapons that have no legitimate use? Certainly. Can the drug crazed career criminal obtain one? Certainly. All they need to do is walk into any gun store and find row after row after row. Platt did this when he walked into a Miami gun store ten (10) days before the shooting and bought the Ruger Mini 14 and 5000 rounds of ammunition. If he couldn't buy one, he could steal one out of a house, a car or a business establishment. Does the man and his boy have an absolute right to own or possess such weapons under the Second Amendment to the U.S. Constitution? Of course not. To argue otherwise is practically and legally laughable.

Gentleman, the effective control of weapons is needed and needed now more than ever. The people want it. The states alone cannot do this effectively. The federal government can and should, if it is willing, to take a tough stance against the gun lobby. Legislation restricting the sale of assault type weapons, weapons that have no legitimate use, is at least a step. Possibly this step can lead to sweeping gun control legislation which is concise, understandable and most importantly, effective. Such legislation would not only save thousands of lives, but would make America a safer place in which to live.

Thank you.

STATEMENT OF BILL PRESS, NEWS COMMENTATOR KABC-TV AND KABC RADIO, LOS ANGELES

Mr. Chairman, Members of the Committee: My name is Bill Press. I am a news commentator in Los Angeles for KABC-TV and KABC Radio. I am honored to have a moment on your agenda this morning to make three brief but important points:

One. California is under siege from military assault rifles. Two. We desperately need federal legislation outlawing private possession and use of such weapons. Three. This issue is too important for the media to stay on the sidelines.

1. CALIFORNIA UNDER SIEGE

Semi-automatic assault rifles were designed for the battlefield. But it's not the soldiers on the battlefield who are their targets today. It's the men and women and children of California cities. Starting long before the Stockton schoolyard tragedy.

From the Los Angeles Times comes this list of 36 people killed—and many more critically wounded—in the streets of Los Angeles by assault rifles between January 30, 1988 and January 31, 1989. And the killings go on. On the evening of January 28, two-year old Philip Fisher was shot and killed by an UZI fired from a passing car. His uncle just happened to be in the frontyard, holding the little toddler in his arms.

Citizens of California are living in fear. No matter what community we live in, we fear for our lives. We can't even depend on the police anymore—they are the first ones to admit it—because, too often, the criminals and the gangs are better armed than the cops.

2. NEED FOR FEDERAL LEGISLATION

The public recognizes this problem. The police recognize this problem. Our elected officials recognize this problem—and we are doing everything we can to solve it. This week, the cities of Stockton, Compton and Los Angeles enacted the toughest possible citywide bans on semi-automatic weapons. In Sacramento, Senator David Roberti and Assemblyman Mike Roos—with the help of Police Chief Daryl Gates and Sheriff Sherman Block—are pushing urgency legislation to extend the ban statewide.

Because we're so much under the gun, literally, I don't think any state is doing as much as California, but we are the first to recognize—we cannot do it alone. A California ban on the sale, possession and use of semi-automatic assault rifles will be of limited value, as long as those same guns can be purchased by mail or purchased just across the state line, in Reno or Flagstaff. California and other states desperately need the kind of umbrella protection against semi-automatic weapons that only federal legislation can provide.

3. ROLE OF THE MEDIA

We are counting on you, Senators. We are counting on our local and state elected officials. But we also know the tremendous political pressure you will feel from gunowners opposed to restrictions on semi-automatics.

Normally, this is a battle the media would stay out of—except to report the news. But this battle is too critical, too many innocent lives are on the line, for us in the media to remain silent. When the safety of our streets and cities is at stake, we can no longer be mere spectators. Freedom of the press implies responsibility of the press. And today, it is our responsibility—using all the powerful means we have at our disposal: talk shows; editorials; commentary; town forums; opinion pages—it is our responsibility both to inform the public of the dangers to society posed by military assault rifles and to help build support for getting rid of them. It is not fair, Mr. Chairman, for us to leave you out on the limb—alone. At KABC-TV and KABC Radio, we have tried to exercise our responsibility in several ways.

First, in editorials supporting a ban on semi-automatic weapons, like this editorial by KABC General Manager George Green. Second, in many hours of radio talk shows dedicated to exposing both sides of the issue and urging listeners to get involved. Third, and more directly, by our television public service feature called "Seven on Your Side": where reporter Henry Alfaro asked viewers to get busy, take a stand and write letters. We've received some 3,000 letters in one week. They run the range.

From the expected. John Adams of Huntington Beach writes: "I am against any kind of gun control." To the defiant: Michael O'Neill asserts: "I support the right of every American to own a semi-automatic weapon. These weapons in the hands of honest civilians serve as no threat to any other human."

To the unexpected. Ralph Beattie of Tarzana: "I am a life member of the NRA and the California Rifle and Pistol Association. Over the years, I have owned many rifles, pistols and shotguns, which I used while a licensed hunter and markmanship participant. But I am strongly against the availability of military attack weapons to the general public and see no purpose in them for a sportsman, hunter or marksman."

Granted, it is no scientific survey. But, as some indication of the public stands on this issue: those 3,000 letters are running two-to-one in support of banning military assault rifles. Fourth and finally, KABC TV and Radio have supported a ban on semi-automatic weapons in our commentary. With the cooperation of the Los Angeles Police Department, informing viewers every time an assault rifle is used in a crime. And, every day since the Stockton shooting three weeks ago, challenging viewers to provide one good reason for private ownership of an AK-47 or UZI. We've received hundreds of letters. And hundreds of reasons. Empty

reasons you've heard before. Like: "I need it for hunting deer." Or: "The Second Amendment guarantees me the right to own any gun I want." Or: "I need it to protect my family." Lots of empty reasons. Not one good reason so far. Because there is no good reason. The only reason for owning an AK-47 is to kill people the owner doesn't like.

In conclusion. Thank you again, Mr. Chairman and Members, for this opportunity to testify on this all-important issue. We hope you will pick up where the cities of Los Angeles, Compton and Stockton let off—and make the ban on semi-automatic assault rifles nationwide. It is a goal so critical to the safety of our communities, that if we in the media fail to support you in your efforts, we will not be doing our job.

Thank you.

STATEMENT OF JOHN M. SNYDER, PUBLIC AFFAIRS DIRECTOR, CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS

Mr. Chairman and Members of the Subcommittee: Please accept my thanks for this opportunity to testify before this body on the matter of semi-automatic assault rifles.

With all of the public attention being given this subject subsequent to the horrendous January 17 slaying of five school children and the wounding of 27 others with the use of a semi-automatic rifle in Stockton, California by Patrick Edward Purdy, who also took his own life, I am most grateful to the Subcommittee for the chance publicly to offer my thoughtful reflections on this tragedy and on the subsequent reactions to it.

It would be well to recall at this juncture the August 1, 1966 incident in which Charles Joseph Whitman climbed the clock-tower which dominated the University of Texas campus at Austin and began a 96-minute terror spree in which he killed 16 people and wounded 20 more.

It would be well to recall that particular incident because in it Whitman did most of his mayhem with a bolt action Remington Model 700 in 6mm but finally was pinned down by police and armed citizens, including one firing an automatic rifle, a tripod-mounted M-14, thus limiting the mayhem Whitman was able to cause and making it possible for Austin police officer Ramiro Martinez to position himself for the final, savage encounter in which Martinez slew Whitman.

By recalling the 1966 Austin incident, we easily can see the beneficial use to which automatic rifles in the hands of law-abiding private citizens can be put. Unfortunately, though, we live in an era of apparent unreasoning reaction to irrational acts.

How else can one explain the senseless attack on the right of law-abiding American citizens to acquire and possess certain firearms, in this case semi-automatic rifles, when the Stockton incident calling forth this senseless attack indicates a breakdown in the criminal justice system's willingness or ability to protect citizens from criminals?

It almost appears that the spear carriers in this senseless attack effectively have been sucked into the cynical program developed by professional promoters of restrictive firearms legislation, one group of which, the Educational Fund to End Handgun Violence, stated in as recent pamphlet that the semi-automatic "weapons' menacing looks, coupled with the public's confusion over fully automatic machine guns versus semi-automatic assault weapons—anything that looks like a machine gun is assumed to be a machine gun—can only increase that chance of public support for restrictions on these weapons."

This latest attack on the right to keep and bear arms, carried out in legislative halls and in certain media, has even taken on a macabre and ghoulish quality, as manifest on a recent national weekly magazine cover depicting a surrealist skull superimposed on a distorted map of the "lower 48" United States hovering over crossed assault rifles. "Armed America," the cover proclaims, "More guns, more shootings, more massacres."

In the face of such a flagrant attack on the right to keep and bear arms, what are we to do?

We are, I hope, to keep cool and to approach this whole matter in so rational a manner as to bring about an actual improvement in the criminal justice system without chopping up the rights of the innocent gun owners throughout the United States who had nothing to do with the horrible slaying of the Stockton school children or with other horrible attacks on other innocent people.

Let us hope that this body does what it can as part of a general legislative initiative in a reform of the plea bargaining system at the Federal and State levels to strike at the heart of the real cause for the Stockton tragedy.

Not only does this initiative strike at the heart of the Stockton shooting and similar incidents, it also meshes with recently enacted legislation to curb criminal violence.

We call for a reform of the plea bargaining system which would require a person charged with a violent felony to bargain with the criminal justice system over sentencing but not over the charge.

Under this proposal, the violent criminal suspect would have to plead guilty to the felony charge unless it were dropped by prosecutors or he went to trial. Any bargaining in which the suspect and the legal system engaged would have to be over the length of the sentence, even probation, but someone who wanted simply to evade a felony record would not be able to do so.

Underlining this proposal is the fact that Patrick Edward Purdy, who shot the Stockton elementary school children, would have been prohibited from buying any kind of firearm under existing Federal and California law if he had not been allowed to plead down from a robbery charge in Woodland, California in 1984.

Purdy reportedly had a long criminal record and even had attempted suicide while in police custody but had no record of felony convictions. That is why he legally was able to elude the intent of Federal firearms laws when buying a semi-automatic rifle in Oregon and why he was able to purchase handguns in California despite that State's present 15-day waiting period and criminal record check.

At least two spokesmen for national police organizations support this proposal to reform the plea bargaining system rather than proposals to attack private semi-automatic rifle possession.

Deputy Sheriff Dennis Ray Martin of Saginaw County, Michigan, National President of the 103,000-member American Federation of Police, says "there's no sense having laws forbidding felons from acquiring firearms when we allow such dangerous felons to plead to misdemeanors and violations. We support this proposal to reform the plea bargaining system.

"Even if the felon gets probation, there are safeguards under firearms provisions of the Drug Act passed last year. Now if a probationer goes to buy a gun, he forfeits the probation and must serve his original sentence in jail."

The Executive Director of the National Association of Chiefs of Police, Gerald S. Arenberg, also supports this new plea reform proposal as a solution to the Stockton problem in preference to bans and new restrictions on semi-automatic firearms.

"When violent criminals who have been arrested by police are allowed to go free, or escape the consequences of their crimes, the legal system is failing in its duty to society," he says.

"The fault in the Purdy case—and in almost all of these sensational 'headline' cases—is that the culprits should have been in jail—and would have been in jail. The way to safeguard against such tragedies is not to ban the firearms of law-abiding people—but to see that people like Purdy don't get a chance to commit such horrible acts.

"Police long have supported the idea of reforming the plea-bargaining system."

There already are Federal and State laws prohibiting violent felons from acquiring firearms. Now, too, there is a new law regarding penalties for probationers who acquire or attempt to acquire firearms.

As of late last year, there exists a legislative requirement, a requirement which we supported, that the U.S. Department of Justice develop a system not only to provide a master file of such criminals but also to make it accessible to firearms dealers at the time of attempted firearms purchase.

The plea bargaining reform proposal, if enacted into law, will provide the missing piece of the legislative puzzle to insure that violent criminals like Purdy do not escape the net of justice.

This being the case, why not take this opportunity to demonstrate genuine statesmanship and enact it into law rather than infringe unnecessarily on the right of individual, law-abiding American citizens to keep and bear arms by banning semi-automatic firearms or restricting further law-abiding citizens' access to them?

Following here, for the convenience of Members of the Subcommittee, is the wording of model legislation implementing this proposal:

"The Congress recognizes the necessity of plea agreements in criminal proceedings, but also recognizes that plea agreements reducing felony charges to misdemeanors may have unanticipated effects that are detrimental to public safety. One such effect is that misdemeanor convictions do not restrict an individual's right to purchase various types of firearms. There have been persons who have been charged with several felonies that were reduced to misdemeanors by plea agreements, and the person's criminal history then contains no felony convictions. Such persons are then able to purchase certain firearms of types that would be prohibited to them had they been convicted of the original felony charges. It is the intent of the Congress to restrict the authority of prosecutors to reduce certain felony charges, while still permitting the recommendation of sentencing at the misdemeanor level.

"A prosecutor shall not reduce a felony charge to a misdemeanor when the facts of the case clearly indicate that the defendant committed the felony. In such case, the prosecutor may agree to recommend a sentence less than the standard sentence range for the felony by recommending a sentence

at a misdemeanor range if the defendant enters a plea of guilty to the felony charge.

"A prosecutor who enters into a plea agreement that violates the preceding paragraph (section) is personally liable for damages resulting from any crime involving a firearm committed by a person who would not have been able to obtain the firearm had not a felony charge been reduced to less than a felony by a plea agreement entered into by that prosecutor."

As the 1966 Austin incident mentioned earlier in this statement indicates, automatic firearms, including automatic firearms, in the hands of law-abiding private citizens can be necessary in restoring the peace and assisting the law enforcement community in the maintenance of public order. In that incident, law-enforcement officers and civilians, including one man firing a tripod-mounted M-14, acted together in firing so as to rip off chunks of concrete from the protective wall around the observation deck where Whitman was located. This forced Whitman to keep low and fire through drainage slits, and made it possible for Officer Ramirez, with Whitman so occupied, to approach the Whitman position.

It should also be noted, in connection with the 1966 Austin incident, that two police officers, George McCoy and Jerry Day, along with armed private citizen Allen Crum, had worked their way up the tower to a position near Whitman's position. When Crum began firing so as to ricochet a volley of bullets off a corner of the tower so as to draw Whitman's attention to himself, the ploy worked and Whitman began firing in Crum's direction. This gave Martinez the opportunity to round the corner for his confrontation with the mass murderer.

Other incidents also serve to indicate the necessary cooperation between law enforcement officers and armed citizens which can develop in fighting crime. In Buffalo, New York, during the blizzard of 1977, public authorities called on truckers to arm themselves and to assist the police in their struggle against thieves, robbers, muggers and other violent criminals.

In that same year, during the Johnstown, Pennsylvania flood, the Mayor told the city's citizens that they had to be able to defend themselves against criminals since public safety officials were so heavily engaged in dealing with the situation created by the flood that they could not deal with much of the crime which might arise.

Without reference to such notable specific cases as these, one could note generally that semi-automatic firearms are kept by citizens for home protection and by farmers and ranchers for use against farm pests and wild animals.

In this age of international terrorism, when warnings come regularly to the public regarding the possible outbreak of terrorist attacks against American citizens within the United States, it would show a callous disregard not only for the rights of American citizens but also for our safety if Congress were to enact legislation making it difficult or impossible for law-abiding American citizens to obtain the semi-automatic firearms with which our lives and the lives and safety of our loved ones could be protected.

Terrorists will not be stopped by anti-gun laws from acquiring or using firearms against the innocent. Why pass laws to prevent the innocent from getting the firearms they may need to protect themselves from terrorists?

It's possible, too, that well-organized and well-armed bands of terrorists could seek to undermine the very stability of the United States government, as they already have done to so many other governments around the world. In such a situation, a well-armed law abiding citizenry, such as we now enjoy in the United States, could act to assist the government in thwarting such a move or series of moves. Why ban or restrict the arms with which the citizens could so assist the government?

While we certainly hope that no American Hitler or Stalin ever arises in the United States, we also should make sure that one of the factors which can prevent that from happening, that is a well-armed citizenry, never is eliminated or dissipated by unwise anti-gun legislation.

Right now, we're witnessing the international spectacle of the mighty Soviet Army turning tail and removing itself, retreating, if you will, from Afghanistan. This would not be happening if it were not for the fact that the Afghans are an armed citizenry, including with semi-automatic firearms and that they're not afraid to fight for their freedom.

How do you account for the fact that the mighty Soviet military machine, which has kept the disarmed citizenries of Eastern Europe and of many other parts of the world subjugated for so long has had its hat handed to it by the rag-tag Afghans if you do not take into serious account the armed nature of the Afghan population?

While we may not like to admit it, the same point could be made with regard to the Viet Namese who fought so successfully for so long with small arms, including semi-automatic firearms, against our own modern-equipped and armed military forces in Southeast Asia.

If the Polish people were well-armed today, do you think its freedom-loving spokesman would have to go toadying to the Communist government for even a modicum of the rights and freedoms we take for granted in this country with our armed citizenry?

Do you think Ethiopian genocide through deliberate massive starvation on the part of the government there ever would even have gotten off the ground had the Ethiopian citizenry been armed?

While some may scoff at these and similar citations, the fact of the matter is they are real and we should not overlook the obvious lesson to be gained from a consideration of them. An armed citizenry is an obstacle to tyranny and subjugation and a disarmed citizenry has been and may be an invitation to such tyranny and subjugation.

Given these considerations, Mr. Chairman and Members of this Subcommittee, why let public charlatans get away once again with a further perpetration of the snake oil of gun control on the American public.

There is ample general evidence to indicate that gun control is not the crime control panacea its promoters would have Congress and the public believe that it is.

For 75 years now, we've had the Sullivan Law in New York State on the books. For over 20 years, we've had the Federal Gun Control Act of 1968 on the books. For over 10 years, we've had the straight-jacketing District of Columbia anti-gun law on the books. Even in Canada, there's been a tough anti-gun law on the books for 10 years. At the time of each of these laws' enactment, the promoters of each one of them assured the public that each one of them would be effective in fighting crimes committed with firearms. Yet, the rates of crimes committed with firearms are higher now than they've ever been before this. Why? Obviously, gun control is not the answer.

For over 50 years now, fully-automatic rifles, machine guns, so thoroughly have been regulated that it has been impossible for private citizens to obtain one without a Federal permit. To the best of my knowledge, not one of these legally-acquired and possessed firearms has ever been used in the perpetration of a criminal act. Yet we know that machine guns have been used by criminals in the perpetration of criminal acts. What does this tell you about gun control laws but that law-abiding citizens abide by them but criminals do not?

The same can be said about sawed-off shotguns. Rigorously restricted for 50 years, they still are a favored weapon of criminals, especially bank robbers.

There you have it. Gun control has not worked, does not work and will not work in fighting crime.

Gun control impinges on the right and freedom of law-abiding American citizens.

We'd like the Subcommittee to consider it and act on it. Unlike the bogus crime-fighting proposals really directed against a large segment of the law-abiding citizenry, this is a genuine crime-fighting proposal. It's time for Congress to get off the backs of the tens of millions of law-abiding American firearms owners and to get on the case of violent criminals.

Thank you.

NATIONAL RIFLE ASSOCIATION OF AMERICA, INSTITUTE FOR LEGISLATIVE ACTION, TESTIMONY ON SO-CALLED ASSAULT WEAPONS—ABSTRACT

The private purchase of new "assault rifles" has been banned since May 19, 1986. Technically, the correct definition of an assault rifle is a selective-fire military rifle. As such, they are fully-automatic firearms for the purposes of federal law.

The AKM-47 (actually a Model 56S, a copy of the AKM-47) used by Patrick Purdy in his heinous crime in Stockton, California on January 17th is a semi-automatic rifle functionally identical to millions of semi-automatic rifles owned by hunters and sportsmen in the United States for nearly a century. It was not converted to fully-automatic fire, nor is it "readily convertible." That semi-automatic rifle is no more "powerful" or more "rapid-fire" than any other semi-automatic hunting and target rifle owned by millions of Americans.

Among the more popular semi-automatic firearms currently owned by Americans are: the Ruger .44 Magnum Carbine, the Remington Model Four in .30-'06, the Heckler & Koch 770 in .308, the Browning BAR .30-'06, the Remington Model 1100 shotgun, the Ruger Mini-14 .223, the Colt AR-15 .223, and the Springfield Armory M1A .308. The Remington Model 1100 alone has sold more than 3 million copies in the U.S., the M1 Carbine some 5 million since World War II.

The NRA will oppose any attempts to ban or restrict semi-automatic target and hunting firearms some choose erroneously to call "assault weapons." In previous debates, the NRA worked with members of Congress and the Administration to craft meaningful definitions and meaningful legislation to address concerns that were shared by sportsmen and "gun control" advocates. This attack on semi-automatic firearms, however, is an attack on an entire class of firearms that have been owned by millions of law-abiding Americans throughout this century.

What was once an attack on handguns, this year is an attack on rifles and shotguns.

Legislation like H.R. 669 and Senator Metzenbaum's proposal attempt to redefine the term "assault weapon." It is not possible to define "assault" firearms based on their ability to "accept" large capacity magazines, as these proposals do. Any firearm capable of "accepting" a box-type magazine is capable of "accepting" magazines of indeterminate capacity. Thus, for these proposed definitions to mean anything, they must mean the prohibition of virtually all semi-automatic rifles and pistols, and all tubular magazine shotguns as well.

The real lesson to be drawn from the Purdy crime is that Purdy was a criminal who ought to have been in jail rather than left free to roam the streets. Purdy had been arrested for the crimes of drug possession, solicitation of sex, illegal possession of dangerous weapons, receipt of stolen property, attempted robbery, criminal conspiracy, firing a pistol in a national forest, and resisting arrest. His plea bargains on some of those charges resulted in misdemeanor convictions only, not the felonies with which he was charged. Purdy's last contact with the criminal justice system resulted in a probation report that described him as a danger to himself and others.

Purdy's lack of a felony record meant he could and did comply with and pass the 15-day waiting period and police background check required under California law to purchase five pistols. It was the criminal justice system that failed those schoolchildren in the tragic incident in Stockton, California.

The NRA today proposes a series of crime-fighting initiatives. The NRA will support these initiatives with the same vigor with which we oppose restrictive firearms laws.

First, we propose the assignment of at least one Assistant U.S. Attorney in each district to prosecute felon-in-possession cases under 18 U.S.C. 922(g).

Second, we propose a five-year freeze on plea bargain agreements when individuals are charged with violent or drug trafficking crimes.

Third, we call for increased enforcement of the provisions of Public Law 99-308, the Firearms Owners' Protection Act. That law made it a federal felony, to be punished with mandatory penalties, to use a firearm while committing a drug-trafficking offense. If the Justice Department finds that firearms were acquired from out-of-state in an investigation of gun-running rings, the federal government should step in.

Fourth, we support the conversion to prisons of military bases scheduled to be closed, as well as reasonable funding mechanisms earmarked solely for the construction of Level III prison facilities.

Fifth, we support the establishment of a special, expedited death penalty for those who kill police officers in the course of committing a felony.

Sixth, we look forward to working with members of the Congress and the Administration to ensure that Section 6213 of Public Law 100-690 is carried out: That the Attorney General report to Congress this fall with a program allowing for the accurate and instantaneous screening of firearms purchasers at the point of purchase.

TESTIMONY OF JAMES JAY BAKER, DIRECTOR, FEDERAL AFFAIRS, NATIONAL RIFLE ASSOCIATION, INSTITUTE FOR LEGISLATIVE ACTION ON SEMI-AUTOMATIC FIREARMS

Mr. Chairman and Members of the Subcommittee, on behalf of the National Rifle Association of America, I thank you for this opportunity to appear before you representing law-abiding gun owners. I ask that my entire testimony, as well as it attachments, be included in the record of these proceedings.

We received Senator Metzenbaum's S. 386 yesterday, and will not give a detailed analysis of it at this time. Instead, I will confine my remarks to a general critique of H.R. 669 and S. 386, as well as the issues of semi-automatic firearms, "gun control," and violent crime.

Let me say at the outset that the private purchase of new "assault rifles" has already been banned and has been since May 19, 1986. Assault rifles *are* included under the requirements of the National Firearms Act of 1934. Technically, the correct and only definition of an assault rifle is a selective-fire military rifle. As such, they are fully-automatic firearms, or machine guns and submachineguns, for the purposes of federal law. The rifle used by Patrick Purdy in his heinous crime is not an "assault" rifle, as has been so widely reported in the media. The AKM-47 (actually a Model 56S, a copy of the AKM-47) used by Purdy is a semi-automatic rifle functionally identical to millions of semi-automatic rifles owned by law-abiding Americans across the country, no more and no less. Semi-automatic firearms have been legally possessed in this country for almost one hundred years.

Millions of hunters and sportsmen own and use semi-automatic rifles and shotguns, and have for decades. Among the more popular current models for sporting use: the Ruger .44 Magnum Carbine, the Remington Model Four in .30-'06, Heckler & Kick 770 in .308, the Browning BAR .30-'06, the Remington Model 1100 shotgun, the Ruger Mini-14 .223, the Colt AR-15 .223, and the Springfield Armory M1A .308. the Remington Model 1100 alone has sold more than 3 million copies in the United States, the M1 Carbine some 5 million since World War II.

Military model semi-automatic rifles and carbines have been sold to the general public for decades. Millions of M1 Garands, M1 Carbines, M1As (the civilian semi-automatic model of the Army's M-14 rifle), and AR-15s have been sold to private citizens over the last 40 years. These are all military model semi-automatics and are used in countless high-power target matches every year including the national matches at Camp Perry, Ohio. They are purchased by hunters, target shooters, and collectors.

In short, Mr. Chairman, the National Rifle Association will not assist or cooperate with anyone in banning or restricting semi-automatic target and hunting firearms some choose to erroneously call "assault weapons." You will remember previous debates in which the NRA worked with members of Congress and the Administration to craft meaningful legislation to address concerns that were shared by sportsmen and other groups concerned with public safety issues.

On the armor-piercing ammunition issue, as you know, the NRA first opposed legislation that would have banned hunting and target ammunition because of overly broad definitions. We worked with members of Congress and the Administration to develop language that precisely defined the issue at hand, met police concerns, and protected the nation's law-abiding firearms owners.

On the so-called "plastic gun" issue, as you also know, the NRA opposed legislation that would have banned fully-detectable firearms because of yet another faulty definitional standard. We again worked with members of Congress and the Administration to develop language that precisely defined the issue, and again helped to produce workable legislative language that passed both bodies of Congress nearly unanimously.

The attack on semi-automatic firearms is no less than an attack on an entire class of firearms that have been owned by millions of law-abiding Americans throughout this century. In a sense, the NRA's historic position on gun control at times characterized as paranoia by our opponents, has been vindicated. Advocates of gun control have finally admitted that they are not interested in protecting the rights of law-abiding gun owners—they are merely interested in eliminating any type of firearm whenever presented with an emotionally charged opportunity to do so. What was once an attack on handguns is this year an attack on rifles and shotguns.

CRITIQUE OF PROPOSALS ON SEMI-AUTOMATIC FIREARMS

Sportsmen have been told for years that the reason gun control advocates targeted handguns was because they were not suitable for militia use, hunting, or self-protection and were therefore not included under the constitutional safeguard of the Second Amendment. We are now being told by anti-gun advocates and certain politicians that precisely because many semi-automatic firearms useful for hunting and target shooting are patterned after their military counterparts, they should be banned or heavily restricted in the interest of public safety.

Today we are talking about the outright banning of an entire class of firearms that have been legally owned in this country for a century. In fact, legislative proposals in both bodies of Congress call for imposing federal felony prosecutions on law-abiding citizens that do not surrender or register their lawfully purchased firearms. It is just this type of ill-considered legislation that the Second Amendment is designed to protect against. And it is worth remembering that American citizens' constitutionally protected right to "keep and bear arms" puts the burden of proof on those whose first instinct is always to abridge that right.

One can imagine how defenders of the First Amendment would react if every time somone made a slanderous statement legislators were urged to restrict freedom of speech. The safeguards built into the Bill of Rights are not to be compromised or legislated away lightly—especially not simply as a reaction to the actions of a homicidal maniac who slipped through the cracks of a crack-ridden criminal justice system, and especially when those impacted are only law-abiding citizens. There is no rational reason to legislate against the inalienable rights of law-abiding individuals simply because some individuals abuse those same rights. Instead we should arrest, prosecute, sentence, and imprison the latter in a ongoing effort to protect the former.

Recognizing that many do not share our belief in those principles, I turn now to the specifics of proposals we have seen. Most bills introduced to date on the issue of semi-automatic firearms fail to distinguish between types of firearms in the manner of early drafts on the armor-piercing ammo and "plastic gun" issues. Unlike those issues, there is no middle ground between banning or restricting some semi-automatics on the one hand, and all semi-automatics on the other. The reason for that is simple: There is no functional difference between

semi-automatic firearms of the type traditionally used in hunting or other recreational activities, and those which are patterned after military firearms of the modern age. That is why both an AKM-47 and a "traditional" Remington or Browning semi-automatic can be cerfitied as having a sporting purpose on the one hand, and not "readily convertible," on the other.

Some proposals, H.R. 669 and S. 386, attempt to redefine the term "assault weapon." In doing so, those bills encompass millions of semi-automatic firearms commonly used for hunting, target shooting, and self-protection. It is not possible to define "assault" firearms based on their ability to "accept" large capacity magazines. Any firearm employing a box-type magazine is capable of "accepting" magazines of an indeterminate capacity. Even shotguns with integral tubular magazines are capable of accepting magazines of larger capacities. Thus, for these proposed definitions to mean anything, they must mean the prohibition of virtually all rifles and pistols, and all tubular magazine shotguns as well.

S. 386 implicitly recognizes this definitional problem by failing to provide a definition at all. Section 3 of S. 386 defines "assault weapons" as those firearms designated in the bill, "versions" of those firearms, and firearms that are "substantially identical" to those firearms. The term "substantially identical" is nowhere defined in the legislation. As we have heard from the Treasury Department today, there is no functional difference between semi-automatic firearms, whether on the list provided in Section 3 or not. To my mind, the term "substantially identical" is equivalent to without functional difference. Thus, the logic of Section 3 is circular: An "assualt weapon" is a firearm so designated, based on its similarity to "assault weapons" so designated. It would have been much clearer, Mr. Chairman, for S. 386 to define an "assault weapon" as any semi-automatic firearm, period. That is certainly the effect of the so-called definition.

After failing to provide a definition, S. 386 hands off the entire issue of definition—in many ways the essence of legislation—to the Treasury Department. Although it is difficult to conceive of a semi-automatic firearm not already covered in Section 3, that Section also provides that "all other semi-automatic firearms" can be designated as "assault weapons" at the discretion of the Treasury Secretary. These unnamed and undefined firearms would then be banned, and failure to register them would be a federal felony carrying a 10-year, $10,000 fine.

S. 386 would also place currently owned semi-automatic firearms under the highly restrictive requirements of the 1934 National Firearms Act. If virtually all semi-automatic firearms are included—as they appear to be—untold millions of the nation's 65 million firearms owners will annually be subjected to a system that processed less than 100,000 individuals over a 52-year span. Conservative estimates indicate more than 20 million firearms currently possessed would be included under many of the proposed definitions. These Title II restrictions are a wish list for gun control advocates. They include a lengthy federal background check, registration, restrictions on transportation, fingerprinting, and a sign-off by local law enforcement. Yet these restrictions have not affected those drug traffickers using illegally acquired machine guns or illegally acquired and illegally converted semi-automatics to further their crimes. These criminals circumvent the system completely, and, by definition, always will. Needless to say, millions of hunters, competitive shooters, protective owners, and collectors should not be subjected to a system that has had absolutely no impact on machine gun use in violent drug trafficking crime. Millions of law-abiding gun owners and sportsmen will not sit idly by in contemplation of the several month procedure contained in the 1934 National Firearms Act. Further, there is no good reason relative to curtailing firearms abuse to subject law-abiding sportsmen who have owned semi-automatic firearms for decades to a system requiring them to submit federal registration forms to the Treasury Department and the F.B.I., and then ask for a sign-off from local law enforcement prior to buying the type of firearm their fathers taught them to hunt with.

The registration provisions of S. 386 point up the misguided nature of all "gun control" proposals. Section 6 requires the owner of a lawfully purchased firearm to locate a copy of the Federal Register listing prohibited semi-automatics. If his or her firearm is on that list, the owner must register it with the federal government within a month or face a 10-year prison sentence and a $10,000 fine. On the other hand, if a drug trafficker actually uses a firearm on the list in a violent crime, he faces only a 5-year penalty. Given the current failure to prosecute even felons in possession of firearms, it is unconscionable to threaten law-abiding citizens with a federal felony due to their possession of a lawfully purchased semi-automatic firearm that may later be found to be "substantially identical" to semi-automatic firearms on a list held by the Treasury Department.

At best, S. 386 contemplates a form of super-waiting period, federal registration, and government background investigation in order to legitimize the ownership of a previously purchased, and previously lawful, semi-automatic firearm. In light of the rejection of that system in the 100th Congress, when the defeated proposal encompassed a seven-day, not a several-month, wait prior to the purchase of only pistols or revolvers it seems counterproductive to revisit that issue. I refer you to my testimony before this Subcommittee on June 16, 1987. The most troubling aspect of new proposals on this issue is that sportsmen were told last session that they should accept waiting period proposals because they would never extend to their rifles or shotguns. Mr. Chairman, this goes beyond the old adage: "give them an inch and they'll take a mile." The Congress refused last year to give that inch, yet some now expect them to give up that mile.

The National Rifle Association and untold millions of hunters, target shooters, and protective gun owners are prepared to fight every step of the way on this issue until this Congress begins to address serious problems—recognized by all in this room regardless of their position on so-called "assault rifles"—inherent in an abysmally inadequate criminal justice system.

LESSONS OF THE PURDY CRIME LOST

As Senator Metzenbaum indicated in his letter to me, Mr. Chairman, the impetus for this hearing was the tragic crime committed by Patrick Edward Purdy on January 17th in Stockton, California. Notwithstanding the dangers of legislating on the basis of cover stories and headlines, the facts surrounding the true causes of that tragic crime have largely been ignored.

The semi-automatic rifle used by Purdy was not converted to fully-automatic fire, nor is it readily convertible, as has been reported by many. That rifle and semi-automatic firearms generally are used lawfully for hunting in some 48 states, and can be seen in the hands of target shooters at nearly every rifle range in the country. The very reason this rifle can be imported into this country—its "sporting purpose"—refutes the claim of those who call it a "weapon of war." And finally, perhaps to the surprise of some, there is absolutely nothing new about the mechanical function of that particular semi-automatic rifle. It employs a re-loading principle, the semi-automatic action, that has been employed in both military and sporting rifles for most of the century. It is not more "powerful" or more "rapid-fire"—other misconceptions widely reported—than any other semi-automatic hunting or target rifle owned by millions of Americans.

In short, the only thing new about this rifle is the misapplication of the label "assault" by people who are trying to ban it. We are hearing that these rifles are the "weapon of choice" for criminals loose on the streets. Just last year, Mr. Chairman, this Congress was asked to consider a national waiting period and background check for pistols and revolvers because they were called the "weapons of choice" for those same criminals. Just this week, Lt. James Moran, the commander of the Ballistics Unit for the New York City Police Department set the record straight in the New York Times: "A rifle is not what usually is used by the criminals. They'll have handguns or sawed-off shotguns. You have more firepower with a 9-millimeter handgun than you do with an AK-47. * * * The rifle is big. * * * These drug dealers are more inclined to use the 9-millimeter pistol than go to a cumbersome AK-47 rifle." Thus, it is clear to the NRA that most who propose restrictive gun control are not focusing on criminals and their guns, they only care about banning and or restricting firearms, period.

The real lesson to be drawn from the Purdy crime is that Patrick Edward Purdy was a criminal who ought to have been in jail rather than left free to roam the streets. Purdy had a seven-year history of involvement with the California criminal justice system. He had been arrested for the crimes of drug possession, solicitation of sex, illegal possession of dangerous weapons, receipt of stolen property, attempted robbery, criminal conspiracy, firing a pistol in a national forest, and resisting arrest. His plea bargains on some of these charges resulted in misdemeanor convictions only, not the felonies with which he was charged and should have been prosecuted. His last contact with the criminal justice system resulted in probation, even though his own probation report described him as a danger to himself and others. Because of this failure of the criminal justice system, Purdy's lack of a felony record meant he could and did comply with and pass the 15-day waiting period and police background check required under California law to purchase five pistols. It was the criminal justice system that failed those five schoolchildren, and resulted in the tragic incident in Stockton, California.

In fact, the California probation system was the subject of an extensive study published in 1985 by the Rand Corporation and the National Institute of Justice. The National Institute of Justice concluded that felony probation "does present a serious threat to public safety." The Rand Corporation studied data on more than 16,000

felons, and recidivism data on a subsample of 1,672 who received probation in Los Angeles and Alameda Counties. The study found that:

65% of the total sample were rearrested;

53% had official charges filed against them;

75% of those charges involved burglary, theft, robbery, or other violent crimes;

51% were reconvicted;

18% were convicted of homicide, rape, assault, robbery, or weapons offenses;

34% were sent back to jail or prison.

Clearly, decisions regarding probation are being driven by concerns over prison overcrowding and not by determinations that certain individuals do not pose a risk to society.

As we meet here today, the combined failure of gun control and the criminal justice system is all around us. As you know, the District of Columbia has the most restrictive gun control laws in the nation. Handguns are banned, and even a bill similar to H.R. 669, Congressman Berman's semi-automatic ban bill, is in force. Yet violent crime is rampant in the city at levels far exceeding those experienced before the imposition of the D.C. gun ban. One reason for that may be found in the treatment of the two individuals who shot those youths at Wilson High School recently. They were charged with four counts and one count of assault with intent to kill, respectively. The first paid $2,250 to get out of jail on a surety bond. The second paid only $450. But we can take solace in the fact that they were ordered to obey a curfew. It's no wonder a teacher at another D.C. school was reported as saying: "What would they have had to have done to be denied bail * * * wipe out the whole school?"

Instead of improving the criminal justice system, gun control advocates are exploring new ways to disarm or restrict the law-abiding. As we meet here, the City Council is considering legislation to make handgun manufacturers strictly liable for the criminal misuse of their products—despite the fact that handgun manufacturers are already virtually prohibited from selling their products in the District, and have been since 1976; and despite the fact that such a legal theory has been discredited in every state of the nation. The intention of the D.C. City Council and the gun control advocates generally in pushing this legislation is clear: export the District's failed gun ban by making firearms manufacturers uninsurable.

Yet across the United States, the private ownership of firearms by the law-abiding is a valid and valuable response to failures of the criminal justice system. Criminologists report that private firearms ownership is both a general and specific deterrent to violent crime and violent criminals. One independent study estimates that one million Americans use rifles, shotguns, and pistols, each year for self-protection.

NRA'S CRIME-FIGHTING PROPOSAL

Today we are hearing the same tired proposals that sportsmen and gun owners have been hearing since the early 1900s. In the face of violent crime currently linked to massive drug smuggling and its financial profits, elected representatives in Congress and state legislatures call for making felons out of law-abiding citizens who insist on their right to own firearms. At the same time, the criminal justice system is apparently unable or unwilling to prosecute and jail the real felons. The NRA asks you to explore and consider every possible means of restricting criminals and improving the criminal justice system before legislating any restrictions that will only impact the law-abiding citizen, and may well aid the criminal.

Law-abiding Americans believe that criminals who violate existing laws should suffer the penalties. But the fact is, violators are not suffering those penalties. Criminal justice failures were widely reported earlier this week. USA Today called it "Getting Off Easy." That's an accurate phrase when the average drug trafficker received a sentence of only six years—and then actually served less than two years. The Wall Street Journal reported that less than half the people convicted of felonies nationwide went to prison. And that doesn't begin to address the real issue, since an indeterminable number of people charged with penalties plea bargain down to obtain only a misdemeanor conviction.

Therefore, we propose today a series of crime-fighting initiatives. We pledge to you today that we will support these initiatives with the same vigor with which we oppose restrictive firearms laws. These proposals can be supported by sportsmen, law enforcement, and any gun control advocates who really care about fighting crime.

First, we propose the assignment of at least one Assistant U.S. Attorney in each district to prosecute felon-in-possession cases under 18 U.S.C. 922(g). Increased funding for U.S. Attorneys was a feature of the omnibus Anti-Drug Abuse Act, and we support that funding.

Second, we propose a five-year freeze on plea bargain agreements when individuals are charged with violent or drug trafficking crimes. The Purdy crime alone demonstrates the result of a plea bargain policy that has become all too common in the face of overcrowded court dockets and prison systems.

Third, we call for increased enforcement of the provisions of the Firearms Owners' Protection Act, Public Law 99-308. As you know, the law made it a federal felony, to be punished with mandatory penalties, to use a firearm while committing a drug-trafficking offense. Last year, Congress increased those penalties in the omnibus "Anti-Drug Abuse Act." Any reluctance by the government to prosecute federal gun-law violators who have been arrested and charged with local offenses, but who are also violating federal laws against possession by felons, particularly of Title II weapons such as sawed-off shotguns or unregistered machine guns, must be addressed. If the Justice Department finds that firearms were acquired from out of state in an investigation of gun-running rings, the federal government should step in. This would assist local government in a number of ways. First, it would make real the largely rhetorical federal assistance in the "State Firearms Control Assistance Act" which is the first title of the 1968 Gun Control Act. Second, it would mean tougher jail sentences than may occur with merely local prosecution. And third, it would help with the problem of expensive and overcrowded state prisons by diverting the most serious of drug-trafficking offenders to the federal system.

Fourth, we support two measures aimed at increasing the nation's prison space. Initially, the federal government should look to those military bases which are scheduled for closure. With minimal expense, these bases could be converted to prisons for use by the federal government or by the states in which they are located. As a second step, the NRA is prepared to support reasonable funding mechanisms earmarked solely for the construction of Level III prison facilities to house the most violent criminal offenders.

Fifth, we support the establishment of a special, expedited death penalty for those who kill police officers in the course of committing a felony or who kill police officers' family members in retribution for the performance of their duties.

Sixth, we look forward to working with members of Congress and the Administration to ensure that the mandate of the McCollum substitute to the so-called "Brady Amendment" is carried out: That the Attorney General report to Congress this fall with a program that will allow for the accurate and instantaneous screening of firearms purchasers at the point of purchase.

We are confident that broad support for these proposals can be garnered from most of the groups represented in this room today. We are also confident that reasonable individuals will agree that these proposals hold far greater promise for reducing the nation's appalling level of violent crime than does any ill-conceived and misdirected gun control proposal. Thank you.

TESTIMONY OF NEAL KNOX, EXECUTIVE DIRECTOR, THE FIREARMS COALITION CONCERNING ASSAULT RIFLES

Mr. Chairman, members of the committee. I appreciate this opportunity to testify on behalf of the Firearms Coalition and the million readers of my regular columns in Shotgun News, Handloader, Rifle and Guns & Ammo magazines.

The effort to ban so-called "assault rifles" represents a public admission by the advocates of "gun control" that their objective is not just to regulate or ban handguns, as they have claimed, but rifles and shotguns as well. The definitions used in state and federal bills now being considered would not only ban the military-type firearms being waved before the cameras, but some of the most popular rifles and shotguns designed and used for hunting, trap and skeet, and other forms of recreation.

The arguments used to support these bills are evidence of the predicted switch of criminal misusers of firearms from relatively low-powered handguns to far more lethal shotguns and rifles—a switch exacerbated by the wrong-headed efforts to ban production and sale of handguns, instead of focussing upon criminal acts.

As recently as 1986, James D. Wright of the University of Massachusetts—once a staunch advocate of interdictive gun laws—stated in "The Armed Criminal in America," research done for the Justice Department: "certain commonly proposed gun-banning measures could have strongly undesirable consequences, resulting in the substitution of more powerful and more lethal arms."

Granted, Wright was speaking of criminal misuse, not insane acts such as the murders of five children on a Stockton, CA schoolyard. But no matter what restrictions may be placed upon sane and law-abiding citizens, there is no way to prevent such tragedies. If Patrick Purdy had not owned an AK semi-automatic rifle, those children obviously would not have been shot with a 7.62x39; but they could have been shot with the 15-shot Taurus 9mm pistol Purdy also carried on that schoolyard. Or even more of the 400 children crowded on that schoolyard could have died and been injured if he had driven

his car across it, or thrown his "Molotov cocktails."

It should be underscored that Purdy was the very type of individual who supposedly would have been prevented from obtaining a firearm under a waiting period/police background check such as this committee considered last fall. He had a lengthy record of arrest and convictions, including drug violations and illegal manufacture of a machine gun; a police psychiatrist had found him a danger to himself and the public; he was reportedly drawing $682 monthly from the Social Security Administration as mentally disabled. Yet five times he obtained handguns after undergoing California's touted 15-day waiting period/background investigation, most recently obtaining the Taurus 9mm with which he killed himself the next school day after he obtained it.

No legislation specifically defining "assault rifle" is before this committee, but all of the state bills I have seen, as well as H.R. 669 by Rep. Howard Berman in the House, include variations of a definition used by California Attorney General John Van de Kamp in a mailing to law enforcement officials Dec. 5, 1988. That letter states the Attorney General's intent to draft legislation banning private possession of "assault rifles," and requested statistics to justify such a ban. His definition of "assault rifle" includes more than half of all long guns made in this country, for it includes most common .22 rimfire autoloading rifles, many semi-automatic centerfire hunting rifles, and all shotguns—of any action type—with five-shot capacity, which includes the most-popular shotguns made.

The Attorney General's definition of "assault rifle" even includes the 5-shot Remington Model 1100 shotgun, which Handgun Control Inc. co-chairman Nelson Shields once told me he owns for waterfowl hunting. When such effects are pointed out, it is claimed that they are mere "drafting errors," and that the sponsors never intended to include common guns. Frankly, I find such statements difficult to believe, in light of the considerable firearms expertise demonstrated elsewhere.

As an example, the definition of "assault rifle" used in last summer's proposed Senate amendment to the drug bill reportedly was "any shotgun or semi-automatic rifle patterned after a military firearm." The majority of U.S.-made repeating shotguns would be included in that definition, for all the most-popular commercial shotguns have been used by U.S. forces in combat in World Wars I or II, Korea or Vietnam.

I have stressed the problem of definition for the simple fact that it is impossible to make a meaningful distinction between hunting guns, self-defense guns and military small arms.

Magazine capacity is not a meaningful distinction, for in forms of pistol competition which include reloading, it requires only about 1.5 seconds to change magazines. It is illusory to think that a gun is "more dangerous" with one 30-shot magazine than with two 15-shot magazines, or three 10-shot magazines.

Action type isn't a meaningful distinction, for the Model 12 "pump" Winchester shotgun can be fired slightly more quickly than a Remington Model 1100 autoloader. In less than three seconds the common 12 gauge Model 12 can fire six 00 buckshot loads, each charged with 12 .33 caliber balls—72 bullets in three seconds, each ball capable of a fatal or disabling wound a city block away. The Model 1100 can discharge 60 .33 caliber bullets in about 2½ seconds, which is more firepower than any conventional machine gun.

It is my opinion as a court-qualified "firearms expert" that either the six-shot Model 12 or the five Shot Model 1100 Remington 12 gauge hunting shotguns are more lethal at ranges under 50 yards than either the semi or full-automatic versions of the AK-47 with 7.62x39 military ammunition.

Because so many hunting and competition guns would be banned by Van de Kamp's definition, major changes were made in the California Senate bill by David Roberti, and in almost identically worded definitions in bills introduced in Maryland and the U.S. House (H.R. 669). Each of those bills makes such modifications as their sponsors felt were necessary to make their bills politically palatable, while retaining their goal of banning as many long guns as possible.

One amendment increased the acceptable maximum capacity of unrestricted shotguns by one round to five rounds total, which would make most tubular magazine shotguns legal, but still leaves the popular six-shot Model 12 Winchester/Browning trap, skeet and hunting shotgun branded as an "assault rifle."

Another amendment broadened the semi-auto rifle definition to "Any semi-automatic that accepts a detachable magizine with a capacity of 20 or more rounds of ammunition" H.R. 669 uses that language but exempts popular .22 rimfire autoloading rifles. The Maryland bill makes it apply to rimfire rifles and all semi-automatic handguns. Every box-magazine rifle or handgun is capable of accepting 20 or even 50-shot magazines, and such easily made magazines are presently available for most guns.

Mr. Chairman, as this testimony was being prepared, a member of Mr. Metzenbaum's staff informed me that the "capable of accepting a 20-round magazine" definition is being considered in draft legislation. However, I was told the bill would initially ban certain specific makes and models, then abdicate the definitional problem to the Treasury and Justice Departments, which would in effect be responsible for both writing and enforcing the law.

That is reminiscent of the method used for avoiding Congressional responsibility on other difficult issues, such as dealing with budget deficits and setting Congressional pay scales. Without regard to the merits of the issue, I object to that method of legislating.

While I have emphasized the huge number of guns used for hunting which would be banned by so-called "assault rifle" legislation, hunting is not the issue, nor is whether I "need" a particular type firearm for hunting. I resent anyone telling me what I "need" just as much as I resent anyone telling me what I may read; I am a law-abiding citizen who resents being treated as a criminal because I own and lawfully use firearms.

To me, and those I represent, guns are mechanically interesting, historically interesting and aesthetically interesting. But they are much more than that. In his Commentaries on the Constitution Supreme Court Justice Story wrote: "The right of the citizen to keep and bear arms has justly been considered as the palladium [—the guardian—] of the liberties of a republic; since it offers a strong moral check against the usurpation and arbitrary power of rulers."

In Federalist Paper No. 46, James Madison wrote derisively of the governments of Europe which "are afraid to trust their peoples with arms." Madison would be appalled that this Senate Subcommittee on the Constitution is considering legislation which is so obviously a violation of the Constitution.

In *U.S.* v. *Miller* (1939), the only Second Amendment decision in this century, the Supreme Court upheld a portion of the National Firearms Act's restrictions on the narrow ground that because no evidence had been presented that short-barreled shotguns have "some reasonable relationship to the preservation or efficiency of a well-regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument. Certainly it is not within judicial notice that this weapon is any part of the ordinary military equipment or that its use could contribute to the common defense."

If both sides had been heard in that case—instead of only the agency which proposed the law—evidence surely would have been presented that short-barrelled shotguns are and always have been part of U.S. military equipment. However, there can be no question that military-type rifles are military arms, and therefor included under the prohibitions upon the Congress guaranteed by the Second Amendment.

Even if the Second Amendment applied only to militia members, by law virtually everyone in this room is a member of the militia. Only four months after the Constitution was ratified, the Militia Act of 1792 established two classes of militia: (a) those formally organized into militia units and (b) all other able-bodied men aged 18 to 45. The National Guard Act of 1903 specifically did not replace that militia but added a third class of Federally controlled militia (See Sec. 311, Title 10 U.S.C.).

In 1876, the Supreme Court, in *U.S.* v. *Cruikshank* recognized possession of arms as a fundamental right, stating "the bearing of arms for a lawful purpose is not a right granted by the Constitution. Neither is it in any manner dependent upon the instrument for its existence." Accordingly, since none of the Bill of Rights had then been interpreted as limitations on other than the Congress, the Cruikshank court ruled that the First and Second Amendments limited the national government, but did not prohibit the Ku Klux Klan from preventing freed black slaves from holding political meetings or having guns. It is most unlikely that the Supreme Court would reach such a decision today.

In 1960 Justice Hugo Black, in "The Bill of Rights" (35 N.Y.U.L. Rev. 865, 873), wrote that the Second Amendment is an "absolute" prohibition against infringement by Congress. The reason, as made clear by the writings of the Constitutional framers, was that the right of the people to keep and bear arms was intended as an insurance policy guaranteeing governmental adherence to the First Amendment and the rest of the Bill of Rights.

Some claim that the Second Amendment was intended to apply only to organized militia, rather than as an individual right. But an effort to limit the Second Amendment by adding "for the common defense" was attempted when it was debated in the Senate of the First Congress. That amendment was soundly defeated, but revisionists act as if it had passed. (Journal of the First Session of the Senate of the United States, p. 20 (1820).)

Time Magazine recently stated that "surely" military-type rifles were what the Constitutional Framers intended to protect

from governmental infringement. On the contrary, as Dr. Joseph Olson, Professor of Law at Hamline University School of Law said while reviewing this testimony, military-type firearms "are precisely the type of weapon which the Second Amendment is designed to keep in the hands of the individual citizen."

The Second Amendment has nothing to do with hunting, target shooting, gun collecting or any other recreational use of firearms. The Second Amendment does, however, protect every citizens' right to protect himself, his family and this nation. The beauty of this "freedom insurance" plan is that so long as the right exists, it is never needed.

In the passions of the moment, aroused by the terrible tragedy on that Stockton, California schoolyard, it may be difficult to think of the overriding necessity to protect civil liberties, but protection of our civil rights—every one of them guaranteed by the armed populace that Thomas Jefferson intended—is the real issue in this debate.

I urge the members of this committee, and of this Senate, to carefully consider what is at stake. Thank you for this opportunity to present our views.●

CONDEMNATION OF CERTAIN ACTS BY IRAN—SENATE RESOLUTION 68

● Mr. SIMON. Mr. President, last week my friend and distinguished colleague Senator MOYNIHAN submitted a resolution condemning the Ayatollah Khomeini's death threat against the British author Salman Rushdie and bomb threats against the American publisher Viking Press. I associate myself with Senator MOYNIHAN's eloquent words and will ask to be made a cosponsor of Senate Resolution 68.

I speak today not only as a Senator, but as an author and publisher. The first amendment is the cornerstone of our democracy. It is true that our Constitution does not bind foreign leaders. But the values of freedom of speech and thought, and the freedom to write and publish, are also part of the Universal Declaration of Human Rights. The right to criticize is the most basic right of all. Without it, there can be no true freedom.

Ours is a pluralistic world, and we must understand there are cultures different from our own. But it is totally unacceptable for the leader of one nation to order the assassination of a citizen of another nation. It is totally unacceptable for the ayatollah to place a bounty on Mr. Rushdie's head for any reason, but it is especially troubling that this death threat has been made because of what Mr. Rushdie's has written. I understand the emotion behind those who are offended by Mr. Rushdie's book, but death threats and bomb threats have no place in today's world. Book banning and book burnings are sad spectables wherever they occur, and should not go unchallenged. Calling for the death of an author in a foreign country must be met by a strong diplomatic response.

I applaud President Bush's words of condemnation, and the European Community member states' decision to withdraw their envoys from Iran. These words and actions demonstrate that we will fight against religious intolerance and bigotry. Any attempt to suppress freedom of speech and thought, or the right to freely publish books, must be roundly condemned. The Senate ought to speak loud and clear in this area.●

TRIBUTE TO DR. ABEL WOLMAN

● Mr. SARBANES. Mr. President, the death of Dr. Abel Wolman marks the passing of one of our Nation's finest environmental engineers and a distinguished public servant. He served as chief sanitary engineer for the Maryland State Health Department and as head of the sanitary engineering and public health schools and professor emeritus of Johns Hopkins University.

Dr. Abel Wolman has been universally recognized for his significant contributions to the advancement of sanitation and health throughout the world. In 1918, Dr. Wolman, along with chemist Linn Enslow, developed the standard chlorine treatment of water. This process is now used throughout the world to eliminate harmful bacteria in drinking water. Dr. Wolman dedicated much of his career to consulting local, national, and international organizations and governments on sanitation and environmental issues.

When Abel Wolman was growing up in Baltimore, he had to carry water from a well. It is fitting that he is credited with the design of a water system that has now met the needs of this growing city for the last 50 years. Furthermore, Baltimore's system has remained a model that cities around the world admire. I know all Marylanders join in extending our sympathy to M. Gordon Wolman, his son, who has followed in the great tradition of his father, and all of his family.

I ask that the editorials from the Baltimore Evening Sun and the Baltimore Sun be reprinted in the RECORD.

The articles are as follows:

[From the Baltimore Evening Sun, Feb. 23, 1989]

ABEL WOLMAN

His diminutive size and agility in movement gave him a certain elfin appearance, but the eyes bore an unmistakable resemblance to great reservoirs. And little wonder, because it was the eyes of Abel Wolman which envisioned a world in which that most basic of necessities, water to drink, would be safe and plentiful to all peoples of the world.

His beneficent influence is now felt in the remotest reaches of the world each time a child drinks a glass of water without fear of contracting typhoid, cholera, dysentery or some other waterborne scourge so common before Wolman's methods became the world standard for cleanliness in water. But no city can be more thankful for his life and work than his native Baltimore, whose water supply will be safe and reliable as far as the eye can see.

Abel Wolman, now dead at 96, ranks among those rare individuals who had the capacity to move from the theoretical to the practical with indefatigable determination. He became a legend in his time, but the legend will endure as long as people drink and bathe in water they can accept, as a matter of course, to be clean and healthy.

[The Baltimore Sun, Feb. 24, 1989]

ABEL WOLMAN

Abel Wolman made many of the world's water supplies pure and fit for humans to use. That in itself is enough to qualify him as one of the greatest Baltimoreans of this century. In fact, generations of natives grew up believing—as did countless visitors to the city—that Baltimore distributed the nation's tastiest drinking water. If true, chalk it up to Abel Wolman.

A sanitary engineer of international stature, he helped build water systems and filtration plants in New York City and dozens of other U.S. communities. Similar plants in Israel, India, Africa and Latin America bear his trademark. Dr. Wolman later discovered with Linn H. Enslow, a chemist and former Johns Hopkins University classmate, the formula for successfully chlorinating water.

Like most scientists Dr. Wolman, who died Wednesday at 96, was very practical. He demonstrated his practicality during many of his well-attended lectures as head of the Hopkins Geography and Environmental Department. He felt, as one companion put it, that life was not without risks. He thought about many things, but "I can't conceive of being promised a world in which there are no problems, and I don't want my grandchildren to have the feeling that's what I'm trying to give them. That would be a bore."

For Abel Wolman, life was never a bore. He enjoyed his seniority and wore it well. A sprightly man, he never drove a car. He managed nevertheless to travel across continents until recently. He enjoyed being placed next to attractive women at dinner, telling them and anyone else what most worried him—everything from the deteriorating ozone layer to sludge in Back River.

Dr. Wolman was a scientist who lived life scientifically, believing for instance in nuclear power as a sound and inexpensive energy source. And yet he was in closer touch with the environment than most realized. He was a familiar figure walking on or near Hopkins' Homewood campus. Dr. Wolman collected many honors for his countless contributions, among them the National Medal of Science and the Lewis Dollinger Pure Environment Award. More than that, he won silent acclaim practically every day from working men and women in this area who drew water from a faucet and smacked their lips.●

THE 71ST ANNIVERSARY OF ESTONIAN DECLARATION OF INDEPENDENCE

● Mr. SARBANES. Mr. President, on February 24, Estonians around the world celebrated the 71st anniversary of their nation's declaration of independence. The celebration took place

against the moving and courageous reaffirmation of national integrity now taking place in Estonia. That is why it is an especially happy occasion for all Americans to join Estonian-Americans in celebrating not just their declaration of independence, but the extraordinary events of recent times.

From the beginning, independence of spirit has been the hallmark of the Estonian people—as indeed it is today. The battleground of endless foreign rivalries for more than 1,000 years, Estonia emerged from World War I a newly independent nation eager to take the path of democracy, modeling its constitution on those of the French, Swiss, and the Americans. With its democratic institutions and burgeoning economy, Estonia soon proved to be a model of political freedom, economic growth and academic and educational excellence.

Yet reflecting on Estonia's brief period of sovereignty, we remember how quickly liberty and freedom were suppressed in 1940 by the Soviet invasion and how the Estonians have suffered through the long dark period of Soviet repression. Throughout those difficult years, Estonians cherished the memory of what their land once was and the vision of what it could be in the future.

That vision is today bright with hope, as Estonians seek to decide how they will live and control their own destiny. Five months ago fully one-third of the Estonian population attended a rally in support of reform, democracy and independence. The Estonian Parliament has passed a bill asserting its right to veto legislation passed by Moscow that infringes on local autonomy.

The newly formed Estonian Popular Front, committee to political and economic reform, is working to place candidates on the ballot and to build a pluralistic political system. In fact, the Estonian Popular Front has adopted a program demanding free elections, constitutional guarantees, and an end to military service.

In this hopeful time, it is appropriate to pay tribute to the many courageous leaders who suffered grievously in the past for their beliefs. Among them is Mart Niklus, who first translated the Universal Declaration of Human Rights into Estonian and spent many years in Soviet labor camps and prisons, including the notorious Perm camp 36-1; he has recently been released from prison and was a delegate to the Popular Front's convention.

Another is Enn Tarto who was imprisoned for distributing unofficial literature, establishing contacts with emigres and signing statements protesting the Soviet Union's annexation of the Baltic States. He too has been freed and continues to work for national integrity.

Yet another is Juri Kukk. He died in 1981, and his untimely death cut short a truly heroic life. Although he did not survive his terrible ordeal, he left behind indelible memories of his devotion to freedom.

Estonian-Americans share the proud independence and integrity of spirit, that we see everywhere in Estonian life today. The Estonian American contributions to the fabric of American life—to our communities, culture, politics, economy—are unique. Together we pay tribute to the extraordinary developments now taking place in Estonia. All of us are sobered by the enormous challenge which Estonia faces, and deeply hopeful for the opportunities that lie ahead.●

THE HEROIC EFFORTS OF UNIVERSITY OF IDAHO EMPLOYEES DURING THE CLARK COUNTY WEATHER DISASTER JANUARY 31, 1989

● Mr. McCLURE. Mr. President, what is now being called the worst blizzard in the history of Clark County began on Tuesday, January 31, 1989. Before it ended on Sunday, February 5, the 19 inches of snow already on the ground and 2 new inches was blown by 40-mile-an-hour winds into 15-foot drifts in Clark County, ID. Recorded temperatures fell to 27 degrees below zero, dropping the wind chill factor to 90 degrees below zero.

Losses to livestock owners in Clark County were significant. One rancher lost approximately where the wind chill factor reached 110 degrees below zero 840 head of cattle, 700 head of sheep, and 40 head of horses during this storm. Losses would have been higher but for the heroic efforts of many in the local community. Of special note is the diligence of University of Idaho employees who worked continually to save over 1,100 head of sheep and 21 horses at the U.S. Sheep Experiment Station in Dubois, ID. Because of the dedicated efforts of these employees, losses at the experiment station were limited to the deaths of only 25 sheep.

During the storm, the sheep experiment station was snowed in. The only vehicle able to enter was the Bonneville County search and rescue snowcat from Idaho Falls. All rescue efforts were dependent upon the limited mobility of the experiment station vehicles and the tireless human efforts of the employees.

Sheep which were wintering on the nearby range were rounded up and loaded on station trailers. At times it was necessary to remove these sheep by hand in order to ensure they were safety sheltered in barns and sheds on the experiment station grounds. Many of the station employees suffered frostbite on their hands and faces because of the extreme cold and winds. Not only should these employees be recognized for their efforts, they should be commended for their dedication to their jobs.

Because of their efforts, losses to the university and the Federal Government were limited. University personnel at the station estimate that the efforts of these employees, saved over 52,500 of taxpayer dollars. I would personally like to commend the following university employees who rescued, FED, and cared for the experiment station sheep, horses, and dogs during the brunt of the storm: Max Quinn Jacobson, sheep operations manager; Homer Wells, research data technician; Jane Kruesi, animal husbandman; Keith Stewart, journeyman electrician; Hal Gamett, assistant maintenance/assistant herdsman; Levi Moss, maintenance craftsman apprentice; Kim Hemenway, veterinarian; Rod Traughber, I.H. animal science technician; Mark Williams; I.H. physiology technician; and Jay D. Little, Sr., I.H. general labor.

I am sure that there were others who assisted in these efforts. Station managers and program coordinators were also vital in the efforts to save the sheep and other animals at the station. To all those who assisted in these efforts, I extend my thanks and gratitude for a job well done. These fine and dedicated individuals, make me proud I am a Idahoan.●

OMNIBUS GLOBAL WARMING INITIATIVE

● Mr. GORTON. Mr. President, I am pleased to be an original cosponsor of Senator WIRTH'S Omnibus Global Warming Initiative, S. 324. The need for a comprehensive national energy policy has become so apparent, it can no longer be ignored. I commend Senator WIRTH for this creative and ambitious legislative effort. This is an effort in which I have been active in the past. I plan to continue that active involvement.

Throughout my Senate career I have advocated expansion of research efforts for our Earth, oceans, and atmosphere. In the past I have supported measures to establish a global foresight capability with respect to natural resources, the environment, and population. I have been supportive of the research efforts undertaken by NOAA and NASA. Those agencies have been conducting research on ocean and atmospheric interactions on a global scale, global air quality, ocean pollution, and global climatic change.

There is a growing concern among scientists that mankind is dangerously altering the Earth's atmosphere through the introduction of huge quantities of greenhouse gases. The continued alteration of our atmosphere may fundamentally change the

conditions governing life on Earth by altering the basic climatic conditions under which we live. Since the turn of the century, the concentration of CO_2 in the atmosphere has risen approximately 30 percent, with almost half of that increase in the last 25 years. If no actions are taken, and present trends continue CO_2 and other greenhouse gases will continue to accumulate in the atmosphere. The inevitable result would be an increase in the Earth's average surface temperatures of between 3 and 8 degrees Farenheit. Temperatures in that range could exceed anything experienced during the last 5,000 years. This is the essence of the so-called greenhouse effect problem.

In addition to CO_2, other greenhouse gases such as methane [CH_4] nitrous oxide [N_2O], and the chlorofluorocarbons [CFCS] are also accumulating in the atmosphere. The emissions of these gases are associated with a broad array of human activities including the production and use of fossil fuels, global deforestation, the raising of livestock, production of rice, and the manufacture of CFC's.

Appropriate action could delay the deepening of greenhouse effect by half a century or more. Such a delay could be crucial, and could spell the difference between disastrously rapid climate change and a manageable transition.

The United States can move to reduce its own emissions of CO_2 and other greenhouse gases in the near-term, and, in addition, pursue vigorously the development of new technologies to provide further reductions over the long term. We must fund research which will improve existing new nongreenhouse gas emitting technologies and develop new ones that are safe, economical, and reliable.

The United States must take a strong leadership role by aggressively bringing the greenhouse effect issue to the attention of the global community, leading the world community in emissions reductions and developing safe, economic, and reliable technologies. The greenhouse effect problem is not just a U.S. problem. It is a global problem and must be addressed by the entire global community.

A strategy of emissions reduction, aggressive research and development, and strong international leadership will not only result in a safer environmental future for the United States and the world, but will also enhance U.S. security and competitiveness.

I would note Mr. President, that while I support a number of provisions contained in this bill, there are also provisions which would be better served to be assessed on their individual merits. In developing solutions to the problem of global warming we must exercise caution to avoid unintended adverse effects on the environment and the world economy.

Specifically, I wish to reserve judgment on the Tongass timber reform provision contained within S. 324. Due to the issue's complex and sensitive nature, I believe this issue should be studied individually by Congress. I understand that the Senate Energy and Natural Resources Committee has held hearings on this issue. I also plan to carefully study this situation, and will follow the hearing process and business sessions of the committee closely.

Mr. President, I commend Senator WIRTH for his dedication to the issue of a comprehensive national energy policy. I look forward to working with him and other cosponsors in crafting this legislation to be a thoughtful and responsible approach to a complex problem.●

THE FEDERAL DEFICIT

● Mr. SIMON. Mr. President, the most pressing problem facing President Bush and the 101st Congress is the Federal deficit. And the games we have played with the budget figures makes the deficit appear smaller than it really is. In a column I write for newspapers in my State, I have outlined how including Social Security funds in the budget is fooling us into believing we are spending less for interest than we actually are. I ask to have it reprinted in the RECORD.

The article follows:

SOCIAL SECURITY AND THE DEFICIT

If you think the federal government's deficit is bad, let me assure you that it is actually worse than it appears.

The budget is deceptive because we include Social Security funds in the budget, a move made when the financial pressure from the Vietnam War made the deficit grow—and the nation's leadership wanted to "solve" the deficit problem without doing what Harry Truman had us do during the Korean War: Increase taxes to pay for the war.

The nation came through the Korean War with almost no increase in the deficit and almost no increase in inflation. It was a great tribute to President Truman and his staff.

But during the Vietnam War President Johnson accepted some bad advice: Pull Social Security trust funds into the budget, and the deficit won't look that bad, and we won't have to increase taxes to pay for the war. It is a decision the nation is paying for to this day.

Formal estimates suggest we face a federal government deficit of $148 billion for fiscal year 1989. But that figure is deceptive. The Social Security funds have a temporary surplus for the year of $52 billion, meaning that the real deficit is $199 billion if the Social Security funds are not counted.

The danger of including Social Security in the budget figures is that we fool ourselves into believing the situation is better than it is. And then the temptation is to "solve" the deficit problem by cutting back on Social Security benefits.

Social Security should be taken away from the budget, so that we have a clean look at what we are doing. And so that we are not tempted to take from the Social Security funds in order to balance the budget temporarily, funds that will be needed to pay retirement benefits in years to come.

The Social Security part of the budget also fools us into believing we are spending less for interest than we actually are.

Budget figures indicate we will be spending $163 billion for interest this fiscal year. Actually that is what the book-jugglers call the "net interest payment." They deduct the interest earned by Social Security before announcing the interest costs, a practice that is both deceptive and dangerous.

The real interest payment by the federal government this fiscal year is called the "gross interest payment," or $234 billion.

The fastest growing item in the budget is interest.

There is only one way to change that: Stop piling up more and more debt.

We need to get hold of our deficit situation, a problem now complicated by the difficulties faced by many of the nation's savings and loans, difficulties that will cost us next year somewhere between $30 billion and $70 billion above earlier estimates.

We have to stop borrowing from our children and grandchildren. That's what a deficit does.

But we also have to stop borrowing from our parents and our grandparents. That's what having Social Security as part of the federal budget does.

The number one problem facing the new President and the new Congress is the federal deficit.

We should stop playing games with the figures, and do what is necessary to move decisively toward a balanced budget.●

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, when the Senate completes its business today I intend to recess the Senate over until 11:30 a.m. on Wednesday.

On Wednesday, after the recognition of the two leaders, there will be a period for morning business not to exceed 30 minutes with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senate will then turn to the consideration of the Sullivan nomination at 12 noon on Wednesday with a rollcall vote to occur at 1 p.m.

RECESS

Mr. MITCHELL. Mr. President, I now ask unanimous consent that when the Senate completes its business today it stand in recess until 11:30 a.m. on Wednesday, March 1.

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

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that, on Wednesday, after the recognition of the two leaders, there be a period for morning business not to extend beyond 12 noon with Senators permitted to speak therein for up to 5 minutes each.

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

PROGRAM

Mr. MITCHELL. Mr. President, it is my hope and my intention that the Senate begin debate on Senator Tower's nomination tomorrow immediately following the disposition of Dr. Sullivan's nomination.

The PRESIDING OFFICER. The Chair has three announcements to read at this time.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276, as amended, appoints the Senator from North Carolina [Mr. SANFORD] as chairman of the Senate Delegation to the Interparliamentary Union during the 101st Congress.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 93-618, and upon the recommendation of the chairman of the Committee on Finance, appoints the following Senators as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements: Senators BENTSEN, MATSUNAGA, BAUCUS, PACKWOOD, and DOLE; and as alternates to the above conferences, meetings, and negotiation sessions: Senators MOYNIHAN, BOREN, BRADLEY, MITCHELL, PRYOR, RIEGLE, ROCKEFELLER, DASCHLE, ROTH, DANFORTH, CHAFEE, HEINZ, DURENBERGER, ARMSTRONG, and SYMMS.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair announces on behalf of the majority leader the appointment of the Senator from West Virginia [Mr. BYRD] as the chairman of the Senate Delegation to the British-American Parliamentary Group during the 101st Congress.

RECESS UNTIL TOMORROW AT 11:30 A.M.

Mr. MITCHELL. Mr. President, if the Republican leader has no further business, and if no Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess under the previous order until 11:30 a.m. tomorrow.

There being no objection, the Senate, at 7:58 p.m., recessed until tomorrow, Wednesday, March 1, 1989, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 28, 1989:

THE JUDICIARY

FERDINAND F. FERNANDEZ, OF CALIFORNIA, TO BE U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT VICE WARREN J. FERGUSON, RETIRED.

PAMELA ANN RYMER, OF CALIFORNIA, TO BE U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT VICE ANTHONY M. KENNEDY, ELEVATED.

ROBERT C. BONNER, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA VICE PAMELA ANN RYMER, UPON ELEVATION.

MELINDA HARMON, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS VICE JOHN V. SINGLETON, JR., RETIRED.

VAUGHN R. WALKER, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA VICE SPENCER M. WILLIAMS.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 611(A) AND 624:

To be permanent brigadier general

COL. ROBERT E. BRADY, [redacted] U.S. ARMY.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370.

To be vice admiral

VICE ADM. ROBERT F. DUNN, [redacted]-1310, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370.

To be vice admiral

VICE ADM. EDWARD H. MARTIN, [redacted]-1310, U.S. NAVY.

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 vice admiral

VICE ADM. STANLEY R. ARTHUR, [redacted]-1310, U.S. NAVY.