

## SENATE—Wednesday, May 31, 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 Honorable HERB KOHL, a Senator from the State of Wisconsin.

## PRAYER

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

Let us pray:

*Owe no man any thing, but to love one another: for he that loveth another hath fulfilled the law. \* \* \* Love worketh no ill to his neighbour: therefore love is the fulfilling of the law.—Romans 13:8, 10.*

Eternal God, gracious Father in Heaven, forgive our inclination to treat love as sentimental and weak. Help us remember that "God is love"—that love is the most powerful force in history and, that if love ruled in our lives, law would be superfluous. Behind the news, good or bad, some people are desperately hurting, desperately lonely. Loving Father, in an environment in which friendships are to be used, help us replace such exploitation with love—for friend and enemy. May Thy peace and comfort fill the hearts of those who hurt and may some of us have the grace to love those who are lonely and in pain.

Mighty God, the Nation has lost a great public servant with the death of CLAUDE PEPPER. And the poor and senior citizens have lost a strong and wise advocate. Be with all who sorrow and fill the awesome vacuum he leaves and may others carry his torch.

We pray for Senator SYMMS, his mother and family in the loss of his father.

Thank Thee, Father, for the holiday recess, family time, constituent contacts, safe travel, and return to our common tasks. Grant to all grace to continue our labors wisely, selflessly and productively. In the name of Jesus, incarnate love, we pray. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 31, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I

hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

## THE JOURNAL

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

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

## ORDER FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that after the time designated for the two leaders, there be a period for the transaction of morning business not to extend beyond 3:30 p.m. with Senators permitted to speak for not to exceed 5 minutes each.

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

## EXTENSION OF THE LEADERS' TIME

Mr. MITCHELL. Mr. President, I ask unanimous consent that my leader time be extended to such time as I may require and that the time of the Republican leader be extended to an equivalent period of time.

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

## ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, following the conclusion of morning business, I intend to seek unanimous consent to proceed to the consideration of S. 605, the Consumer Product Safety Commission authorization bill. If there is an objection, and I hope that there will not be an objection, I will defer any further action on that bill until the Senate has completed action on the supplemental appropriations bill. However, at that time, I will seek

to move S. 605 if objection is expressed today.

I will then today ask consent to consider S. 593, a bill to permit an anti-trust exemption for limiting TV violence.

I hope to get a short time agreement of 40 minutes equally divided on this bill and on a Helms-Thurmond amendment with no other amendments in order. A rollcall vote is possible on the Helms amendment and is also expected on final passage of this bill.

Following the completion of debate on this bill, I expect that the Senate will consider a concurrent resolution expressing the sense of the Congress on the movement for democracy in China. A rollcall vote has been requested on this resolution.

I will then ask unanimous consent that these votes be stacked to occur back to back beginning sometime between 4:30 p.m. and 5 p.m.

In addition, I expect that the Senate will today pass by unanimous consent S. 255, the local rail service assistance authorization bill, with only one amendment, in order to limit the bill's provisions to the current fiscal year, to be offered by Senator HARKIN, and S. 694, the strategic petroleum reserve authorization bill.

## UNITED STATES POLICY TOWARD THE SOVIET UNION

Mr. MITCHELL. Mr. President, the 40th anniversary of NATO gives us reason to celebrate. The Western Alliance has succeeded in meeting the challenges that it faced at its birth.

The strength and resolve of each NATO partner has kept the peace in Europe and contained Soviet expansionism for 40 years. The generosity and foresight of the United States helped rebuild the economies of European States devastated by war. Together we created international economic institutions that facilitate free trade and economic prosperity. Our dynamic democratic systems increasingly serve as the model for political change across the globe.

We can rightfully take pride in these military, economic and political achievements. Yet we also must recognize that today's world poses very different challenges than those we faced in the darkest days of the cold war. The rapid and far-reaching changes within the Communist bloc present new challenges and, more importantly,

new opportunities for NATO and the United States.

Standing at the threshold of a new era, NATO must begin anew the process of defining and pursuing its security goals for the next four decades. The strong and resourceful leadership of the United States is crucial in this regard. I am pleased that President Bush has successfully begun what I hope is a comprehensive process of seizing upon change within the Soviet Union in order to enhance Western security.

We have watched the fundamental transformation occurring within the Soviet Union and heard proposal after proposal from Soviet President Mikhail Gorbachev.

We have looked to President Bush for leadership in redefining our relationship with the Soviet Union.

The President's conventional arms control proposal at the NATO summit indicates he is willing to work to transform Soviet willingness to negotiate into comprehensive arms control agreements.

I commend the President for his proposal. It builds on positive Soviet movement toward NATO's proposed limits on tanks, armored personnel carriers and artillery, and it broadens the scope of reductions to demonstrate Western seriousness. While showing flexibility in meeting the Soviet desire for troop and aircraft reductions, the proposal is in NATO's interest since the Soviet Union would be required to make far deeper cuts in these categories. By calling for speedy conclusion of the talks, aiming for agreement within a year, the President has challenged the Soviets to make good on their stated desire for real progress toward reductions.

With this proposal, that President Bush has demonstrated an ability to galvanize the alliance and to test Soviet willingness to redress the imbalance of conventional forces in Europe comprehensively.

This forceful and constructive approach is a welcome change from the administration's silence during the months of its strategic review process and the negative tone and name calling of recent weeks.

The strategic review apparently provided little in the way of new initiatives. Indeed, it is reported that administration officials ignored the review in fashioning the conventional forces initiative now on the table. I hope the President will be similarly resourceful in addressing other aspects of our relationship with the Soviet Union, for there is far more to this relationship than the balance of conventional forces.

The debate regarding short range nuclear forces demonstrates that crucial questions about the future of security arrangements in Europe have yet to be answered by the West.

The United States must help lead the alliance toward a clear and unified vision of not just the military, but also the economic and political, future of East-West relations. The President has begun to expand the focus beyond military hardware by proposing to eliminate the blanket prohibition on technology sales imposed after the Soviet invasion of Afghanistan. In a bilateral context, he has stated his willingness to consider a waiver of the Jackson-Vanik restrictions on trade.

But NATO, and the United States itself, needs a comprehensive policy blueprint. Changing circumstances require clear direction, not just a reactive or improvised course of action.

To define a policy of "beyond containment," the President must go further than he has to date in spelling out the details of that policy.

Containment was a strategy designed to ensure Western security, and it worked. Moving beyond that strategy implies the existence of fundamental change in the threat to our Nation's security or the definition of that security. President Bush should explain to the American people how our national security requirements are changed in this time of Communist transformation. He should outline the new opportunities that this transformation provides to enhance our military security and other aspects of national strength such as a sound economy and healthy environment.

With a clear definition of the goals and the route that he sees beyond containment, the President is most likely to gain the strong support of the American people and the Congress.

The President can undertake this task with confidence, for any overview of global events testifies to the strength of America's position. As we move toward the close of the 20th century, the world is witnessing the triumph of democratic capitalism and the failure of communism. People the world over want freedom and economic opportunity. Communism has failed to provide either. Democracy has provided both.

The challenge is not to prove ourselves right. The challenge is to encourage others to join us. This requires accepting the possibility of a fundamental transformation in our relations with the Soviet Union. The Bush administration must define what it seeks from that relationship and how it will help create it.

A symbolic but important first step would be a waiver of the Jackson-Vanik amendment limiting trade between our two countries. The President has expressed his willingness to consider this step. I urge him to use his authority to waive Jackson-Vanik for a year, thereby helping to normalize economic relations and expand the possibilities for trade.

Since 1974, the United States has linked the granting of Most Favored Nation status to Soviet willingness to allow its citizens to emigrate. Soviet emigration figures continue rising to new levels while the Government outlines legal reforms to institutionalize free emigration.

Now is an appropriate time for the United States to respond to change we have sought for over a decade. Without taking an irreversible step, we can demonstrate our willingness to affirm and encourage further openness within the Soviet Union.

President Bush should place this symbolic act in a larger framework. He should plainly state that if the Soviet Union is able to succeed in decentralizing its economy and instituting market mechanisms, including a convertible currency and price reform, then the United States would look positively upon Soviet entry into western economic organizations such as GATT, the World Bank, and the IMF.

We should clearly indicate that if the Soviet Union will play by the rules, we will welcome it into the game. We should not and will not change the rules to suit a newcomer, but we will not exclude those who demonstrate their commitment to the existing framework. This would clarify the meaning of a Western policy that goes "beyond containment."

Similarly we should not and will not change the rules we apply to considerations of our own security interests. National security will remain the primary American concern in our relations with the Soviet Union. But we must take advantage of new possibilities to enhance our security through negotiations with the Soviet Union and challenge them to work with us to mutual advantage.

The President has taken a meaningful first step in his conventional arms control proposals. It is appropriate to move quickly in the negotiations to address the most destabilizing imbalance of forces. Yet I hope that the focus on a speedy conclusion of the conventional arms talks will not preclude progress toward cuts in strategic nuclear weapons.

Having had several months to develop a position to present at the resumption of the START talks, the administration now should be able to move forward on the difficult outstanding issues in those negotiations. We cannot be content with an INF Treaty which will eliminate only 4 percent of superpower nuclear weapons. It would be a great loss if we failed to capitalize on the opportunity to reduce the far larger strategic arsenals and to stabilize the nuclear balance. There should be no hesitation in building upon the legacy of progress left by the Reagan administration.

I support the President's call for renewed efforts to achieve a worldwide ban on chemical weapons. This is an issue of great importance to all nations.

President Bush also should move quickly on the issue of nuclear testing. The Threshold Test Ban Treaty of 1974 and the 1976 Peaceful Nuclear Explosions Treaty have languished for over a decade, pending ratification. The Reagan administration in 1987 began negotiations with the Soviet Union regarding improved verification measures. Last year the United States and the Soviet Union conducted joint experiments designed to solve remaining outstanding technical questions. Now is the time to resolve these issues and submit the treaties to the Senate for ratification this year.

The President also should declare his intention to pursue additional limits on the size and frequency of nuclear tests with the ultimate goal of a comprehensive nuclear test ban. This had been a longstanding goal of the United States. For the past 30 years, every American President with the exception of Ronald Reagan has been committed to the pursuit of a comprehensive test ban. Such a renewed commitment would demonstrate President Bush's willingness to work toward halting the arms race and reducing the risk of nuclear war.

The security challenges we face today are not identical to those of past decades. On NATO's 40th anniversary, we are reminded that the military threat to Europe remains real. But we must also realize that the Communist systems which long posed the gravest threat are undergoing failure and transformation that now offers us new opportunities to advance our national interests.

All nations increasingly share common enemies: Environmental degradation, weapons proliferation, terrorism, and drugs. I commend the administration for including such issues in its bilateral discussions with the Soviet Union and I support the President's call for a collective approach to solving environmental problems and controlling ballistic missile proliferation.

I look forward to concrete U.S. proposals for cooperative efforts to combat these common threats. If we are able to capitalize on the changes occurring in the Communist world, we will be able to more effectively protect all aspects of our Nation's security.

As the world changes, so must our policies. President Bush has demonstrated his willingness to reexamine those policies in light of the rapid and far-reaching changes within the Communist bloc.

He should now define what he means by "beyond containment." He should spell out the change he seeks and the strategy to achieve it. This

will be an ongoing process, a process of critical importance to the United States and our allies. As the President works to capitalize on the historic change now underway in the Soviet Union, he will have my strong and enthusiastic support.

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

#### RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the Republican leader.

#### THE NATO SUMMIT

Mr. DOLE. Mr. President, the summit marking NATO's 40th anniversary gave us a clear indication that NATO is alive and well and headed toward 50.

After weeks of doom and gloom over the United States-German squabble over short-range nuclear forces, President Bush and Chancellor Kohl reached a compromise that makes sense. NATO came through as it has for 40 years.

Cynics may say that the allies once again papered-over their differences and avoided a decision. I suppose there is a grain of truth to that observation in any political situation. But I prefer to see the SNF compromise as the result of the process by which 16 democracies have learned to live together.

The NATO SNF decision makes concrete sense, and will continue to make sense—if we stick to all of it.

First we have to get a verifiable conventional armed forces in Europe, or CAFE treaty. That means a verifiable agreement to equalize tanks, infantry fighting vehicles, and artillery.

Once CAFE implementation starts, we can turn to negotiations for a partial reduction of SNF forces. Let's underscore that word partial. Even with CAFE, the Soviet Union is too big a military power, too close to Western Europe, for NATO to give up all its SNF nuclear deterrent.

But when the time is right, we can talk about equalizing those SNF systems at a level far lower than the Warsaw Pact's current inventory. Right now they outnumber NATO 14-to-1.

This logic means that we need to proceed with NATO nuclear modernization programs like a follow-on to our 88 aging Lance missiles and the tactical air-to-surface missile.

Finally, let me say a word about timing. President Bush's initiative should have cleared the way for serious negotiation in Vienna. He issued a challenge to Soviet President Gorbachev to get down to work and get this done in 6 months to a year.

It is a realistic challenge to the Soviets. It is not a self-imposed deadline. So President Bush's words are not taken out of context, I would like to read them now:

Given Warsaw Pact movement toward the western approach, there is no reason why a 5-to-6-year timetable as suggested by General Secretary Gorbachev is necessary. I believe that it should be possible to reach such an agreement in 6 months to a year, and to accomplish the reductions by 1992 or 1993.

President Bush—and all of us—would like a good CAFE treaty sooner rather than later. But the Soviets and their allies must understand that NATO stands united, and we will hold out for a good CAFE agreement whether it takes 6 months or 6 years.

So now it is time to get down to work. NATO will fill-in the details of the Bush proposal, but the Soviets have some homework to do too. We have seen the headlines about President Gorbachev's proposals; we will soon need the details. And one more thing Moscow could do, now that we have agreed to talk about aircraft reductions, is to table accurate numbers on their inventory which include bombers.

NATO is united and ready to talk about a verifiable, stabilizing CAFE agreement. We hope the Soviets and their allies are too.

#### DEATH OF REPRESENTATIVE CLAUDE PEPPER

Mr. DOLE. Mr. President, Congress is united today. Republicans and Democrats of both side of Capitol Hill are mourning the loss of a one-of-a-kind colleague, CLAUDE PEPPER. He was a unique man, a warm, humble, and compassionate individual and a resolute, determined Congressman who always stood up and fought for what he believed. A man who had not one, but two careers in Congress and grappled with issues from the New Deal and World War II to Social Security and catastrophic care.

Tomorrow Congressman CLAUDE PEPPER of Florida will lie in state in the rotunda of the U.S. Capitol—an honor accorded Presidents and few other great Americans. CLAUDE PEPPER is one of those great Americans.

Born poor in rural Alabama, he's been described as the preeminent witness to American history in the 20th century. He saw the passing of Haley's comet not once, but twice, in 1910 and again in 1986. He met Orville Wright and greeted the Apollo 11 crew upon their return to Earth. His two careers in Congress spanned the Great Depression, three wars, and 10 Presidents.

CLAUDE PEPPER was always a man with a cause—always looking out for the little guy and seeking ways that we as a nation could make life better—

if not just bearable—for the elderly and less fortunate.

Many times he followed the politically costly but right course. In the late 1930's, convinced war with Hitler was imminent, he supported lend-lease and the draft. He was hanged in effigy by outraged mothers on the Capitol lawn.

But CLAUDE PEPPER was best known for his unending work on behalf of our senior citizens. He properly reminded us that it was our senior citizens who built the bridges, raised the children, fought the wars, paid the taxes, and performed the work that made this country great.

Mr. President, I was privileged to have known CLAUDE PEPPER for a long time and to have worked closely with him on many issues, none more important than as a member of the National Commission on Social Security Reform in 1982 and 1983. Thanks to his input and leadership we were able to put the troubled system back on its feet.

His deep commitment to preserving the integrity of Social Security was evident in a letter I received from him in May 1983, shortly after the President signed our rescue package into law. In it, he talked of how we "never lost hope and faith in our accomplishing the immeasurable task of saving Social Security as a sound and solvent institution for the next 75 years."

I suspect all of us in the Chamber could talk about CLAUDE PEPPER for a long time. But as we take measure of this good man's accomplishments, we might listen to the residents of "Mildred and Claude Pepper Towers," senior citizens complex in Miami. The residents there, like those of us here at the Capitol, have lowered the flag to half-staff.

One resident, Polly Sermon, has known CLAUDE PEPPER since 1932. And I find myself agreeing with Polly, as I listened to her last night on television, when she says of CLAUDE PEPPER: "Someone may fill his shoes, but no one will ever replace him."

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

Mr. CONRAD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from North Dakota, Mr. CONRAD.

Mr. CONRAD. I thank the Chair.

Mr. President, I ask unanimous consent to allow my staff person and Mr. Jay Siegel to have floor privileges until 3 o'clock.

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

#### THE CHAPLAIN'S PRAYER

Mr. CONRAD. Mr. President, before I begin the introduction of a bill, I would wish to publicly commend Chaplain Halverson. Once again today

he lifted all of our spirits. His unflagging good humor and moral compass make this a better place. I want to thank him for the contribution that he makes to the Senate.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD pertaining to the submission of Senate Resolution 136 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

#### DEATH OF CLAUDE PEPPER

Mr. SHELBY. Mr. President, I rise today to recognize and pay tribute to one of this country's outstanding leaders. This Nation, and particularly the elderly, have lost a great friend and advocate with the death of Senator CLAUDE PEPPER.

I have had the unique privilege of serving with this outstanding individual who has so tirelessly dedicated himself to the betterment of not only today's elderly, but of future generations. We will all miss him.

CLAUDE PEPPER, in my opinion, represents the true public servant, embodying a selfless commitment to his constituents and the entire country. Through his work, he created a standard of excellence which we should all strive to emulate. He has left a legacy of service and dedication which will be long remembered. Senator PEPPER's name will always be synonymous with leadership, service, and trust.

CLAUDE PEPPER's achievements are far too many to list. His many accomplishments and good deeds have touched the lives of millions of Americans across this country. He will be especially remembered for his work on behalf of the elderly and the leadership role he played as chairman of the House Select Committee on Aging.

CLAUDE PEPPER was a man of utmost integrity, which is refreshing today in these times of growing distrust among the American public toward the Congress of the United States. His name will always be spoken with the greatest respect and admiration.

I am proud to say that Alabama, my State, gave birth to such a fine man. CLAUDE PEPPER was a native of Dudleyville, AL, Tallapoosa County, and a graduate of the University of Alabama in Tuscaloosa. We are proud to call him our own.

I extend to his family my sincerest condolences and wish them strength in this time of sorrow. His legacy will live forever in our hearts and in the many programs, policies, and achievements he has left behind for us. His work is an inspiration to all of us and his memory should challenge each and

every one of us to forge ahead in the direction he had laid out for us.

This is a sad day for America and for those of us who knew Senator PEPPER, who worked with him and loved him as a dear friend and colleague.

The ACTING PRESIDENT pro tempore. The Chair recognizes Senator PRESSLER for a period not to exceed 9 minutes.

#### NATO PARLIAMENTARIANS MEETING

Mr. PRESSLER. Mr. President, this past week I had the privilege of representing this body at the NATO parliamentarians meeting in Antalya, Turkey. Our delegation was led by Senator ROTH, and included Senator SPECTER and myself. Our distinguished colleagues from Delaware and Pennsylvania ably represented the Senate at the North Atlantic Assembly gathering.

May I say that I was very proud of President Bush's performance this past weekend on the NATO conventional forces reduction proposal. I think the President did an excellent job. In fact, I would say that among the NATO parliamentarians this past weekend, President Bush clearly stole the show.

At the beginning of the meeting, the parliamentarians from the various NATO countries were in some disarray as they talked about the German-English-American short-range missile dispute, and complained that Gorbachev had seized the initiative.

But once President Bush made public his proposal, he clearly stole the show. From then on his conventional weapons reduction initiative dominated the discussions of the North Atlantic Assembly parliamentarians.

So I congratulate the President for his outstanding work in this area.

I am one who offered amendments on this floor in 1984 to reduce our troop levels in Europe. I have long felt that the American taxpayer is being asked to do too much in Europe. The European countries can contribute more to their own defense, and certainly Japan can and should contribute more to the defense of the democracies.

American taxpayers want to bring our troops home from Europe. They want to do it within the framework of the watershed agreement President Bush has proposed.

I believe that President Bush has demonstrated excellent leadership in the arms control area.

Mr. President, I ask unanimous consent that a speech I delivered at the just concluded North Atlantic Assembly conference in Antalya, Turkey, be printed in the RECORD after these remarks.

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

STATEMENT OF SENATOR LARRY PRESSLER  
BEFORE THE NORTH ATLANTIC ASSEMBLY

Mr. President, and members of the North Atlantic Assembly, I am very pleased to be able to join you at this meeting in Antalya, Turkey. I have learned much from the various committee meetings I have attended, including the Civilian Affairs Committee, the Economics Committee, the Political Committee, and the Military Committee.

First of all, NATO has been the most successful military alliance in history. As we celebrate the 40th anniversary of NATO, let us remember all the sacrifices that have been made in the past and the need for us to be vigilant today and in the future. I am very pleased that President Bush has proposed a substantial reduction in troop levels in Europe. This will have to be done within the framework of a negotiated agreement with the Warsaw Pact. There is a watershed popular demand that U.S. troops come home from Europe. This watershed demand is from American taxpayers who are concerned about burden sharing and about the fact that we still have troops in Europe 40 years after the end of World War II. Thus, what our President has proposed this weekend is very timely.

Earlier in this meeting there were discussions of some of the U.S. Senate amendments on troop reductions that led up to the Nunn amendment. My amendment was one of those. Our objective was to stimulate a discussion on conventional arms reductions. We feel that we have at least achieved progress in that area.

During the INF Treaty debate in the Senate, I frequently raised the issue of conventional arms reductions. Indeed, I feel that President Bush's decision on this subject is a fruition of these and many other similar efforts.

Dr. Richard Wirthlin, of Decision Making, Inc., a leading American pollster, has done a poll that reveals that American citizens over 60 do not feel strongly about bringing troops home from Europe. Of those citizens in the World War II baby boom generation, who are now approaching 40 and 45 years of age and are fully subject to the tax paying burden, there is a growing feeling that we should reduce our troops abroad and get more help sharing the defense burden from our allies in Europe and Japan. Mr. President, I am very pleased with President Bush's stand, and I believe that most other Americans also will support him on this.

Mr. President, on a second matter, I spoke at a Civilian Affairs Committee session yesterday during a discussion among the Turkish Interior Minister, an opposition parliamentarian and a university professor. I want to congratulate our Turkish hosts on that meeting. I did not agree with everything that was said, but the three Turkish leaders took questions relating to policies of their nation on the death sentence, torture, the Kurdish and Armenian minorities, Cyprus, and other human rights issues. My colleague, Congressman Garcia, gave a fine speech in which he pointed out that this was the first time this has ever happened in Turkey. I would like to join in complimenting the new openness and hope that was demonstrated by that discussion. I did not agree with some of the specific comments regarding Cyprus and some of the other matters, but the discussion did show a new openness on the part of Turkey. Mr. President, I would like to conclude by saying that

I have made new friendships here, and have picked up useful new ideas on many topics, including international trade issues. Let us all work together to make the 50th anniversary of NATO even better than the 40th anniversary we are now observing.

DEATH OF CLAUDE PEPPER

Mr. PRESSLER. Mr. President, I would like to pay tribute to Congressman and former Senator CLAUDE PEPPER of Florida.

I knew CLAUDE PEPPER and worked with him in the House of Representatives. As a Member of the Senate Committee on Aging, I also have worked closely with him on many issues affecting Social Security and other matters regarding the elderly.

I served in the U.S. House of Representatives with CLAUDE PEPPER and knew him well. I have worked with him on amendments in his office.

His office was filled with pictures that go back to the 1930's. It was a fascinating lesson in history for me to be in CLAUDE PEPPER's office and an honor to work with him on so many issues of concern to older Americans.

He will lie in state here in the Capitol. I have joined in supporting a resolution to permit his lying in state here in the Capitol, one of the highest honors that can be bestowed upon an American citizen.

I join my distinguished colleagues in both Houses in paying tribute to the champion of the elderly, Congressman CLAUDE PEPPER.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas [Mr. PRYOR].

DEATH OF CLAUDE PEPPER

Mr. PRYOR. Mr. President, it is with great sadness and deep disappointment that I learned yesterday about Senator CLAUDE PEPPER's death. I had the privilege of knowing Senator CLAUDE PEPPER for over two decades, and I do not think there is any question that he is without peer. We have lost not only a great champion for the elderly, but a great champion for people of all ages in this country. I would like to pay homage to CLAUDE PEPPER today, a truly remarkable man, and the 60 years of public service that he gave to his country and his fellow Americans.

Senator PEPPER began his career, Mr. President, and few people know this, in 1924 in my home State of Arkansas, where he taught at the University of Arkansas Law School for a year after graduating from Harvard Law School.

Another interesting tidbit of American history is that one of the distinguished students in Senator PEPPER's class in the law school in Fayetteville was none other than a former Senator of this body, Senator J. William Fulbright.

From there, CLAUDE PEPPER moved to Florida, and was elected at the ripe old age of 28 to the Florida House of Representatives. He was elected to the U.S. Senate in 1936, where he served for 15 years. In 1937, he sponsored a bill that created the National Cancer Institute. He has been a strong advocate ever since of biomedical research in this Nation. In fact, Dr. James Wyngaarden, the current Director of the National Institutes of Health, recently called Senator PEPPER the "father of the modern NIH." In 1938, he was instrumental in the enactment of the first minimum wage bill of 25 cents per hour—an accomplishment for which he said "business never forgave me." He also introduced one of our Nation's first equal rights amendments in 1944.

His tenure in the Senate was not known only for his advocacy of domestic concerns—he also served on the Foreign Relations Committee. In 1944, in the midst of rabid isolationism, he authored the then controversial Lend-Lease Act to provide aid to Great Britain. Unfortunately, this great champion of then labeled liberal causes was defeated by the Red scare that swept Washington and America in the early 1950's. He was called in that particular campaign for reelection Red Pepper by his opponent in the 1950 race and he was defeated in one of the nastiest political campaigns America has ever known. Senator PEPPER said that "they wanted to destroy me, and just about did." I think one of the most telling stories about CLAUDE PEPPER, this wonderful man's character is that he forgave his opponent some years later.

Although he returned to his law practice, he eventually could not resist the call of the Hill. He returned to Washington in 1962 as a Congressman from the State of Florida. Although, if he had managed to stay in the Senate, he would probably have risen to great prominence on the Foreign Relations Committee, he said, "That committee doesn't save many souls. I know I'm doing more good now."

We can only guess as to the countless number of souls the honorable CLAUDE PEPPER actually did save. His dedication to the plight of the vulnerable and the dispossessed was unflinching. It was just March 9 of this year that Senator PEPPER and I had the honor of chairing a joint Senate/House Aging Committee hearing that zeroed in on the horrifying conditions found in many of America's board and care homes. At that time, he graciously accepted from our Committee on Aging in the Senate the title of honorary chairman of the Senate Aging Committee as we discussed a host of high priority issues on which we wanted to work together.

To list all of this man's amazing accomplishments would take the rest of this week, but I would like to list a few: He was a principal cosponsor of the first "Older Americans Act" in 1965, establishing the administration on aging, and a network of area agencies on aging to serve the needs of the elderly nationwide; he was instrumental in ending mandatory retirement; he established Federal standards for MediGap insurance policies; and was among the first to recognize the problem of elder abuse.

More recently, CLAUDE PEPPER played a key role in the establishment of the U.S. Bipartisan Commission on Comprehensive Health, where he served as chairman. As a member of the Commission, I will greatly miss his leadership. While he did not live to see his hope realized that all Americans, young and old alike, have access to comprehensive health insurance, we do have Senator CLAUDE PEPPER to thank for the fact that we are much closer to achieving that goal than we would have been without his unwavering commitment.

I recently read that as his epitaph, he wanted to be known for leaving the world a better place than when he found it—and for helping those who need it. I know all my colleagues here in the Congress wholeheartedly agree that there is no better description of that esteemed and beloved man, Senator CLAUDE DENSON PEPPER. He will be greatly missed.

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

Mr. LIEBERMAN. Mr. President, may I join with my colleagues in expressing our sadness of the passing of Senator CLAUDE PEPPER. I happened last night to have been back home in Connecticut at two town hall meetings that I held. I was struck, may I say to you, Mr. President, and to my colleague the Senator from Arkansas, by the personal sense of loss that the senior citizens who were in the room last night in Stamford and Bridgeport, CT, felt with the passing of CLAUDE PEPPER. He really became an advocate for senior citizens personally. If we have any legacy that we can carry on, any monument that we can build to his memory, it is truly to carry on the work that he did on behalf of senior citizens.

I am privileged to say this while the Senator from Arkansas is on the floor because he has been such a genuine leader for senior citizens. I know that they feel that they have in him someone who can pick up the torch and carry it forward on their behalf. I am privileged to have the opportunity to say these few words while Senator PRYOR is here with us.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

(The remarks of Mr. LIEBERMAN pertaining to the introduction of Solution Joint Resolution 142 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### THE PRESIDENT DESERVES OUR SUPPORT

Mr. GORTON. Mr. President, it is a vital and important function of the Members of this body to be critics of the President and of the national administration. Certainly this body has carried out that function to a fare-thee-well during the course of the last years and even during the first 4 or 5 months of the Bush administration. There was a great deal of restlessness here with a lack of defense and foreign policy initiatives on the part of the President and a demand for more decisive leadership.

Mr. President, the course of the last week, it seems to me, has vindicated the slowly developing policies of the Bush administration. The President felt, I believe quite properly, that he had 4 to 6 months during which to conduct a careful review of the foreign and defense policies of the United States and then to begin to make his mark with carefully thought out and studied proposals. His performance in the course of the last week, I believe, deserves our commendation and our support.

After listening carefully to experts on every side of every issue during the course of that period of time, the new President has shown decisive leadership within his administration and has advanced a bold and progressive U.S. position on conventional arms reduction in Europe. That position has been accepted by NATO. The divisions predicted in that body have not simply just been papered over but it is operating with a new strength and a new firmness in a new and very different world.

We should point out that as early as March NATO made dramatic conventional arms reduction proposals to the Soviet Union in Vienna and that in fact what we have heard during the course of the last 2 or 3 weeks have essentially been the Soviet Union's response to those NATO proposals. That Soviet response is appropriately both positive and constructive. The President's evaluation of what Secretary of State Baker had heard in Moscow is that it accords with historic Western positions which look toward greater Warsaw Pact-NATO reductions that would even the forces in Europe and lessen the chances of either surprise aggression or of the success of either side in a long-term offensive war.

The Soviet proposals were for just such dramatic reductions in offensive

weapons. President Bush, however, has gone beyond earlier NATO proposals both by acceding to the Soviet position that combat aircraft should be a part of those negotiations, and in coming up with an extremely ambitious timetable which will be welcomed both in the West and in the East.

That new and dramatic position on the part of the President has also permitted an agreement within NATO on the future of negotiations with respect to short-range nuclear weapons, mostly on terms advanced by the United States. Beyond these specific proposals, Mr. President, is the vision of a termination of an unnaturally divided Europe which the President has carried with him and on which he is now speaking with great eloquence. He looks toward a strengthening of the forces for both peace and freedom in Western Europe and around the world.

The President has taken the mantle of leadership of the Western democracies. He is reaching out toward progressive forces within the Soviet Union and in Eastern Europe. I believe, Mr. President, that the President of the United States at this point deserves both our congratulations, our respect, and our support.

#### DEATH OF CLAUDE PEPPER

Mr. REID. Mr. President, I would like to take this time to join my colleagues in remembering our brave and dedicated colleague, CLAUDE PEPPER.

At this time of sadness and loss, it is perhaps best to remember the optimism and sense of progress he shared with us in life.

Americans know him as "Mr. Social Security," one of the most effective and relentless advocates of senior citizen rights and health care our country has ever known. He was always there, even when it was not fashionable, when it was not politically popular, when the only question was, "Is this the right thing to do? Will this help people?"

This advocacy of senior rights was not some discovery of his own later years; it was the product of a lifetime commitment to human dignity and equal opportunity. Indeed, he stood up for senior rights 60 years ago as a member of the Florida House of Representatives.

His courageous sense of right and wrong is today like a road map across the great issues of the 20th century: Legislation he sponsored to abolish the pool tax, early support for American efforts to stop Hitler and Mussolini, at a time when many respectable Americans were publicly advocating isolation and neutrality, a victim in 1950 of McCarthyism who eventually came back from defeat to prove his en-

emies wrong. Sometimes, in the long run, the good guys do win.

Words cannot capture what **CLAUDE PEPPER** gave us nor can they ease the pain and sorrow of his friends, family and millions of Americans who will miss him.

I had the honor of serving in the House of Representatives for 4 years with **CLAUDE PEPPER**.

I will never forget the campaign swing Senator **PEPPER** took through Florida for me in 1986. In Las Vegas Reno he drew the largest crowds of my campaign. He started early in the morning in Las Vegas and ended late at night in Reno. It was nonstop all day, but that was **CLAUDE PEPPER**.

Chairman **PEPPER** set the standard. His energy and razor sharp mind outpaced and amazed Members of both parties, all ages and every region. He had an ageless constituency without borders. He touched all of us. Like all Americans who believe in fair play and citizen rights for people of all ages, we will cherish his memory and forever count him as one of the most outstanding and effective public servants we have ever known.

#### DEATH OF CLAUDE PEPPER

**Mr. DURENBERGER.** Mr. President, it was a wise person who once said, "You have not done enough, you have never done enough so long as it is still possible that you have something to contribute."

That is the best description I can give for the life and service of **CLAUDE DENSON PEPPER**, who passed away yesterday at the age of 88. I hope all my colleagues in this body and the American people will take a moment to reflect, as we are today, on the greatness of a man who committed his life to serving.

Power was never **CLAUDE PEPPER**'s objective. It was only a necessary tool for his real goal, which was making America a better place to live for the not yet fortunate among us. **CLAUDE PEPPER** was a servant-leader in the very best sense of that term.

The State of Minnesota holds a special admiration for **CLAUDE PEPPER** because of the causes that he championed. His abiding partnership with Hubert H. Humphrey, whose seat I occupy in this Chamber, made a critical difference in the quality of life of our citizens. Together those two men fought for what Hubert called "those in the dawn of life, those in the twilight of life, and those in the shadow of life." Together they helped make the invisible problems of powerless people the preeminent item on the national agenda.

I smiled when my colleague from Pennsylvania referred to seeing our former colleague, Senator **PEPPER**, in his home State of Pennsylvania because I can recall, Mr. President, at

least four times that I have seen Senator **PEPPER** in my home State of Minnesota. They all happened to be even-numbered years, they happened to be even-numbered years when either I or my junior colleague, the Senator from Minnesota, Mr. **BOSCHWITZ**, happened to be up for election or reelection. **CLAUDE PEPPER**'s sensitivity obviously carried into his politics as well. I have had many occasions to wonder how he found the time in his life to do as much for as many people as he did because, like all great leaders, **CLAUDE PEPPER** was misunderstood. I have to say there was a time in one of those even-numbered year's: trips, I misunderstood him as well.

As our chairman, **CLAUDE PEPPER** has laid a solid foundation for the crucial and important work of the U.S. Bipartisan Commission on Comprehensive Health Care. If he were here to advise us right now, he would probably tell us to dispense with all this sentiment and get back to work, and would do just that at 8:30 tomorrow morning, Mr. President.

I would conclude by asking unanimous consent to include in the **RECORD** a statement that Senator **BAUCUS**, Congressman **GRADISON**, and I as the vice chairs of the Bipartisan Commission released on behalf of the Commission today.

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

U.S. BIPARTISAN COMMISSION  
ON COMPREHENSIVE HEALTH CARE,  
Washington, DC, May 31, 1989.

STATEMENT ON DEATH OF CHAIRMAN PEPPER

The death of our esteemed chairman and colleague, Rep. **Claude Pepper**, impoverishes all of us. But the example of his life inspires us to carry on his great work.

The creation of this commission, an unprecedented summit-level body for developing consensus solutions to the nation's major outstanding health-policy problems, was the last manifestation of **Claude Pepper**'s commitment to the poor, the elderly—indeed, to the well-being of all Americans.

There could be no greater monument to him than the successful completion of the commission's work—the development of recommendations to relieve the anguish of the 37 million Americans who lack health insurance and the millions more at risk of the burden of long-term care.

We commit ourselves to carry on and complete the work **Claude Pepper** envisioned for the commission, by building on the foundation of compassion and service he established during a lifetime of serving.

Senator **MAX BAUCUS**.  
Senator **DAVE DURENBERGER**.  
Representative **BILL GRADISON**.

**Mr. DURENBERGER.** **CLAUDE PEPPER** knew that nothing he could do was ever enough while there was still more to be done. We can say, Mr. President, that **CLAUDE PEPPER** did more than enough. The burden shifts to those of us who remain to shoulder it with his spirit and courage, and move on.

Mr. President, I yield the floor.

#### THE DEATH OF CLAUDE PEPPER

**Mr. MOYNIHAN.** Mr. President, the Senate and the Nation has learned with sorrow, and yet with a recognition of greatness, the passing of our beloved former fellow Member of this body, a long-time Member of the Congress, the Honorable **CLAUDE PEPPER**, of Florida.

I wish to rise and spend a moment of the Senate's time in tribute to this extraordinary American. At this very moment, the House is adopting a resolution which will surely be unanimous and will observe his passing by providing that his body lie in state in the Capitol rotunda for a day—a form of recognition and honor only sparingly conferred, particularly only to Presidents or persons whose death comes with a special suddenness and inappropriateness. Whereas, at the end of a long and rich and enriching life, death came in proper season to **CLAUDE PEPPER**.

There are Members of the Senate who can surely claim to know him as well or indeed better than I have. I would not know but that I may be the person in this body who can say that he or she knew him longest in that I first came upon this remarkable man at a meeting at Town Hall in New York City. This forum, located on 44th Street between 6th and 7th Avenues, was established for the very purpose that its name suggested, and is still there—a meeting place where New Yorkers could discuss issues of the time, where persons would present cases, and the audience would participate in response.

This was a time when the poll tax, levied by many States in the South and marked a general tax in the 19th century, had now been confined to that region. This tax had become an issue of effective denial of voting rights to black Americans, and an effort was being made in that part of the Nation, and elsewhere, to outlaw the poll tax. You would not be surprised that **CLAUDE PEPPER** was an advocate of doing this, a son of the South, a Representative, a Senator then from the State of Florida, and an advocate of such measures. Of course, there were other persons everywhere about the country, but most vociferously from the South, who were opposed. One of these was a Senator, as I recall, who was from South Carolina, and was very much in opposition.

The two of them had come to New York to debate this issue, and they made their presentations; they had some exchanges, and then the audience asked questions of the debaters. I remember sitting rapt in attention and complete support for **CLAUDE PEPPER**. Who could not believe he was right

and true in all matters? Whereupon, from the audience, a question was addressed to him by a New York citizen, who said, "Senator PEPPER, do you think that a dollar is too much to pay for someone who really wants to vote?" And, well, our friend from—as I would say, my distinguished friend from South Carolina, the Senator in opposition—just broke out in a great cackle of satisfaction that CLAUDE PEPPER had been given a question no one could answer, certainly not in this audience.

CLAUDE PEPPER got to his feet, shuffled over—he shuffled even in those days—and said, "Well, we have got a saying in my part of the country that says 'A dollar ain't much, if you got one.'" Suddenly, we all knew the moment had been saved, and an absolutely essential point had been made, which he never lost through a half-century of public life that followed, which is that there are elemental economic realities that determine so much of the role any individual can play in deciding what his family needs are to be.

He devoted his life to those economic realities, of seeing not that people would end up rich, but that a dollar was there if you needed it. And indeed, it was an extraordinary tribute to him that when his life was ended, we had reached the point where poverty among the aged had all but disappeared. We are not in this sense without any troubles; we have some. But they tend to be residual, they tend to be marginal, and they tend to be the problems of what we call the "old."

In the main, Americans reaching age 62 and 65 are eligible for Social Security, eligible for Medicare, eligible for certain kinds of benefits that we associate with the senior citizen status. Members of a massive organization, the American Association for Retired Persons, which has some 30 million members today, are eligible for the various benefits that go with that membership. This had all come about in the half century of his participation in the affairs of the Congress, and, with this specifically in mind, it was an enormous achievement.

It is our great success, whereas you might find that other—Mr. President, are we under a 5-minute rule?

The PRESIDING OFFICER. Yes, we are.

Mr. MOYNIHAN. I ask unanimous consent that I may speak for 3 additional minutes.

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

Mr. MOYNIHAN. Just to say that as much as it is an achievement of CLAUDE PEPPER to have seen the end of poverty as a generalized, normal, expected condition of the aged, and to have left the resources of the Social Security trust funds in ample condi-

tion, he was a member of the Commission on Social Security Reform, which in 1983 brought to this floor the proposals for establishing the trust fund on a partially funded basis, so that we could truly look forward to 50, 75 years of adequacy.

Those trust funds now rise at \$1 billion a week, and if we were to make any commitment to the memory of CLAUDE PEPPER, I suggest that it would be appropriate that we begin to discuss seriously how to properly use those trust funds, which is not currently the case.

As a matter of great seriousness, but also of great, good humor, he would challenge you in a sly way. I once found him on the floor here and, as we all did, I asked if I could walk him back to the House side. If I may say, a great compliment was paid to him, and paid to us, that in the other body he continued to be referred to as Senator, which I think needs to be noted.

I remember his going by room 223 just off the Senate floor here, and he said, "See that door." I said, "Yes, sir." He said, "I remember one morning in 1942, about 10 o'clock, just about this time, Harry Truman had just stepped out there. He had been in there for his eye-opener, as they used to say, and he said, 'Claude, I think we ought to set up a committee. Don't you think we ought to set up a committee to investigate these war manufacturing industries? If we do not, the others will.'" Claude said, "I think that is right, Harry." The rest is history. That is how Harry S. Truman became head of the Truman Committee at that time.

He had a story he loved to tell about a horse race in which a fellow kept showing up at the booth where you buy tickets, and kept buying tickets on this one horse. Then he would go back and have a little sip of that fine bourbon delectation, and he would buy more tickets. And finally, the owner said, "Sir, you spend much too much money on this horse. This horse cannot possibly win the race. There are four other fine horses. I have to tell you that my horse is not going to win." The gentleman who was buying the ticket said, "Let me tell you something. I own those other four horses, and your horse may not win, but it is going to be an awful slow race."

It was never a slow race for CLAUDE PEPPER. He was there to the end, and the Senate joins me, I am sure, in saluting him.

Mr. COHEN. Mr. President, I ask that I be allowed to proceed as if in morning business for 5 minutes.

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

#### REMEMBERING CLAUDE PEPPER

Mr. COHEN. Mr. President, yesterday, the Congress lost a legend, the Nation lost a distinguished and tireless

public servant and our senior citizens lost a crusading champion. These Halls will echo with acclaim for the man and his long public service. I rise today to add my praise and to speak briefly of my personal admiration and gratitude for the important part CLAUDE PEPPER played in my own public service.

I am sure that CLAUDE PEPPER nurtured the growth and influenced the work of many Members now serving in the House of Representatives and indeed in the Senate. He was already serving as a U.S. Senator before I was born and his years of service saw many Members of Congress come and go.

When I joined the newly formed House Select Committee on Aging in 1975, CLAUDE PEPPER was its chairman. I recall a meeting with him upon becoming the ranking Republican member of one of the panel's subcommittees. Expecting mostly small talk and discussion of administrative matters, the chairman instead treated me not only as an equal, but also to a detailed lecture on his goals and how he intended to work to help the Nation's senior citizens. CLAUDE PEPPER had a vision of a better world for the elderly and a mission to pursue what he saw.

The rough and tumble of politics did not always treat CLAUDE PEPPER kindly. Yet he was able to overcome the ad hominem attacks of his opponents to become one of the most popular and beloved public figures of our time. Those who believe that nasty campaigns are a modern invention would do well to study the infamous tactics that cost CLAUDE PEPPER his Senate seat in 1950. His love of politics and public service was such, however, that he took the unusual step of running for the House of Representatives in 1962. Since then, his service in the House and his work on behalf of elderly Americans have made him a hero to millions.

CLAUDE PEPPER was always very good to me—a junior member of the other party from a State remote and very different from his own. His example and his gracious guidance have had a great influence on my career. For him I always felt great respect, admiration, and gratitude.

One of the first hearings we had in the Committee on Aging was one to determine whether or not we should lift the mandatory retirement rule that was in force at that time. CLAUDE PEPPER called the famous actor Will Geer as one of principal witnesses. Will Geer got up and said, "A person has to have a podium or a pulpit to pound on; otherwise, you take that pulpit away, you take away that person's reason for living and zest for life."

CLAUDE PEPPER never gave up the pulpit, and he never lost his zest for life or his passion.

Mr. President, I mourn the loss of **CLAUDE PEPPER**. I salute his public service and achievements, and I am proud to have known and worked with him.

The **PRESIDING OFFICER** (Mr. **ROBB**). The Chair recognizes the Senator from Illinois.

#### TRIBUTE TO CLAUDE PEPPER

Mr. **SIMON**. Mr. President, I want to take a couple minutes to join in paying tribute to our late colleague, **CLAUDE PEPPER**. I had a chance to work with him on a great variety of things.

We had the opportunity just in this current session—he is chief sponsor in the House and I am the chief sponsor in the Senate of the at-home care bill.

We use the term "public servant" rather freely sometimes. **CLAUDE PEPPER** really was a public servant, someone who spoke out consistently, effectively, courageously for those less fortunate and the first among those less fortunate he spoke out as a young legislator for senior citizens.

The have become less of a deprived group and depressed group in our society thanks in no small part to **CLAUDE PEPPER**.

We still have a lot of battles to win for senior citizens, including long-term care, but **CLAUDE PEPPER** was a giant in our midst.

Walter Mondale has a great line about Hubert Humphrey. He spoke at Hubert Humphrey's memorial service: "He taught us how to live; he taught us how to die."

**CLAUDE PEPPER** has done the same. He has done the same. He taught us how to live and live life to the fullest.

His death is a real loss for all of us.

Mr. **BURNS**. Mr. President, I would also like to extend my respects to the family of **CLAUDE PEPPER** of Florida, a man totally dedicated to public service. It is a sad day for all of us in this body and in the House of Representatives. It is a sad day for all Americans.

Mr. President, I yield the floor.

Mr. **PELL**. Mr. President, **CLAUDE PEPPER** was a friend to the American people. His death yesterday at the age of 88, after a lifetime of service to this Nation, was a personal loss not only to his family and friends, but also to the Nation's senior citizens, who have rightly viewed **CLAUDE PEPPER** as their champion and friend.

It was easy to admire **CLAUDE PEPPER**, and to respect the passion, conviction, and energy with which he pursued his beliefs. Since I was first introduced by my father to **CLAUDE PEPPER** when he was a U.S. Senator, and later during his many years as a Member of the House of Representatives, I was privileged to know the true spirit of public service which moved this man and the millions of Americans who depended on him to be their voice in Washington.

**CLAUDE PEPPER** has left behind a legacy and a challenge: the legacy of a lifetime of dedicated public service, and the challenge to fight for causes, however unpopular, in which we believe. May **CLAUDE PEPPER**'s life be a reminder of public service at its best, and an inspiration to those who may follow in his footsteps.

Mr. **NUNN**. Mr. President, the Halls of this Congress are filled with symbols of men and women who dedicated their lives to public service. Each statue, painting, and inscription remind us that individuals preserve and protect our freedom. Yesterday, America lost a citizen who committed his life to making our democratic institutions better serve the people for which they were created.

The loss of **CLAUDE PEPPER** saddens us all, but his passing also brings to a close one of the great chapters in American political history, for he was the last of the original New Dealers to sit in this Congress, and he remained true to the end to the New Deal commitment that the purpose of government was to help people.

Few Americans have witnessed so much of America's history, have worked beside so many of its leaders, and have touched so many of its people as did **CLAUDE PEPPER**. From his first days in the U.S. Senate back in 1937, **CLAUDE PEPPER** established a reputation as a defender of the downtrodden and a fighter for the helpless that would quickly become the hallmark of his public career.

You did not have to agree with **CLAUDE PEPPER** to be an admirer of his political and personal achievements. His return to public life in 1962, after the bitter primary defeat in 1950, stands as one of the great political comebacks of all time. Through his tenacious efforts, **CLAUDE PEPPER** helped redefine the meaning of "senior citizen," and his tireless efforts and boundless enthusiasm for life inspired millions of America's elderly to feel better about themselves.

One should not think of **CLAUDE PEPPER** only as a champion for the elderly, for throughout his career he brought about changes which serve Americans both young and old. He concentrated on the good he felt could be done. He was known for his support of older Americans, but his first bill in Congress was to help handicapped children, his last project to fight drugs and dropouts and keep American families together. In 1945 he sponsored legislation that led to the creation of the World Health Organization, and to the creation of the National Institutes of Health.

After a visit to Nuremberg in 1938, Senator **PEPPER** became one of the first in the United States to warn of the rise of Nazism in Germany. **CLAUDE PEPPER** was hung in effigy and called a warmonger for his early sup-

port of lend-lease for Great Britain at a time when many Americans opposed military assistance to Europe.

In recent times, **CLAUDE PEPPER** was again looking to the future, pushing hard to create a long-term health care program for the elderly and a center on biotechnology to study the secrets of genes, which holds out the promise of curing long-term illnesses such as Alzheimer's disease.

And many do not realize that **CLAUDE PEPPER** has been a leading voice in the call for greater freedom and democracy in Latin America.

Perhaps there is a lesson for us in the passing of **CLAUDE PEPPER**.

**CLAUDE PEPPER**'s political career reminds us that the past was not always a gentler time, nor were elections or parliamentary debates always contests between courtly gentlemen. Democracy was always a rough and tumble affair, and careers were risked and ruined over both good and bad. He knew disappointment and vilification, grief and defeat, but never lost his enthusiasm or his lifelong concern for those who needed help.

On a personal note, **CLAUDE PEPPER** and I shared a common birthday—September 8—and we had an opportunity to cut a cake together last year—a memory I will cherish.

We will not hear again the old-fashioned turn of phrase that **CLAUDE PEPPER** brought to these Chambers, but along with the legacy of major legislation that he left behind, I hope we will also retain something of the indomitable, caring spirit that characterized the third Senator from Florida.

#### ORDER OF PROCEDURE

Mr. **GRAHAM**. Mr. President, I ask unanimous consent to speak for 10 minutes for the purposes of submitting a resolution and making a statement in respect to Senator **CLAUDE PEPPER**.

The **PRESIDING OFFICER** (Mr. **LIEBERMAN**). Is there objection? Without objection, it is so ordered.

#### RELATIVE TO THE DEATH OF REPRESENTATIVE CLAUDE PEPPER, OF FLORIDA

Mr. **GRAHAM**. Mr. President, I send a resolution to the desk.

The **PRESIDING OFFICER**. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 137) relative to the death of Representative **CLAUDE PEPPER**, of Florida.

The **PRESIDING OFFICER**. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. **GRAHAM**. Mr. President, I rise in humility to honor the memory of

one of the greatest orators who ever spoke in this Chamber or the Chamber of the House of Representatives, or before any parliamentary body—one of the political giants of this republic, a selfless man, who for most of this century personified public service: Senator CLAUDE PEPPER.

CLAUDE PEPPER, was a small man in stature, but he was a legend in his time. He was a poor man—a man who did not see a paved road until he went to college, but he left us richer in spirit.

He was a gentle man, with a passion for justice.

He was a serious man, who could laugh about himself and the rest of us on this planet. But most of all, CLAUDE PEPPER was a servant. A servant to the public.

Senator PEPPER was an exceptional public servant because he combined two rare traits over much of this century: Courage and vision.

When courage and vision come together in one person over a lifetime, we call that special person a champion.

And CLAUDE PEPPER was a champion of champions.

He was a champion for civil rights, for a strong America to defeat Nazi tyranny, and for dignity for older Americans.

Born in Alabama in September of 1900, CLAUDE PEPPER took a stand for civil rights in his adopted State of Florida in the late 1920's, a quarter century before Brown versus Board of Education and more than 30 years before the Great Society and before the public schools were integrated in Florida.

At the age of 27, a promising young lawyer named CLAUDE PEPPER was elected to the Florida Legislature.

He represented Taylor County, a rural timber area in north Florida, one county away from the Georgia line.

In 1929, CLAUDE PEPPER's first full year in the Florida Legislature, something happened in far-away Washington that would reveal CLAUDE PEPPER's courage at an early age.

President Herbert Hoover's wife invited a group of congressional wives to the White House for tea. Among that group in 1929 was the wife of Congressman Oscar De Priest, a black Representative from Chicago.

The Florida Legislature attacked the First Lady in an angry resolution that said her actions endangered segregation and white supremacy.

CLAUDE PEPPER—before he was 30 years old—stood before the Florida Legislature and uttered these words:

I am a Southerner, and a Democrat, like my ancestors before me.

But I consider this resolution out of place as an act of this body.

CLAUDE PEPPER was one of the handful of members of the Florida Legisla-

ture to vote against the resolution to censure Mrs. Herbert Hoover.

The next year, CLAUDE PEPPER was defeated at the polls, in large part because he took a stand for civil rights.

Yes, CLAUDE PEPPER was a man of courage and vision.

Later, in the U.S. Senate, CLAUDE PEPPER introduced an antipoll tax bill. He did so in 1941. It would be 23 years before this Nation abolished the poll tax by adding the 24th amendment to the Constitution.

Senator PEPPER was also ahead of his time in recognizing the threat of Adolf Hitler and the Nazis.

Mr. President, I was born in 1936. I was born 5 days after CLAUDE PEPPER was elected to the U.S. Senate. I am 52 years old.

One of the most poignant tributes to Senator PEPPER that I heard this week came from a college friend who is almost my exact age.

He said:

I can remember as a child—as a child growing up in Jacksonville, FL—my parents talking about a brave man who opposed the Nazis. His name was Senator PEPPER.

On June 6, 1940—4 full years before the Allies' D-day landing in France—Senator PEPPER introduced a resolution calling on America to lease its old warplanes to Great Britain.

Congress enacted the Lend-Lease Program in the spring of 1941, providing a major boost to the Allies in Europe.

He was a man of courage and vision. Many people did not share PEPPER's view of the Nazi threat.

One group went so far as to make an effigy of Senator PEPPER, which was hung in front of this Capitol. Then, the likeness of PEPPER was tied to a car and dragged around the Supreme Court building.

Senator PEPPER saved that effigy. It is now with his papers at Florida State University in Tallahassee, as he described it, as a "cherished souvenir," and he defended the right of his critics to speak out against him. He was a man of courage and vision.

CLAUDE PEPPER fought child labor abuse, he helped set the first minimum wage at 25 cents an hour, he battled insurance and pension fraud, and he was among the first in Congress to focus attention on the flow of drugs into our country.

He was effective in many areas, but the last 20 years of his long legislative service were dominated by his never-ending commitment to the dignity of older Americans.

In 1978, CLAUDE PEPPER sponsored legislation that eliminated a mandatory retirement age for Federal workers and raised it from 65 to 70 in private industry.

He protected Social Security and Medicare, he helped create the National Institute for Arthritis, increased funding for cancer research, advocated

home health care as an alternative to institutionalization and fought crime against the elderly.

CLAUDE PEPPER was a devoted husband, married 42 years to his loving wife, Mildred, from St. Petersburg, FL. When cancer claimed Mildred a decade ago, CLAUDE PEPPER intensified his lifelong efforts on behalf of research.

He promoted the creation of the National Cancer Institute. During his long service in Congress, CLAUDE PEPPER sponsored legislation for 7 of the 11 National Institutes of Health.

CLAUDE PEPPER—gifted in the use of language—said, my "concern for the elderly long preceded my joining their ranks." Before he was 30, CLAUDE PEPPER was helping older people.

His first bill in the Florida Legislature allowed elderly people to fish with a rod and reel, or hook and line, without paying a license fee. "It sounds like a small matter today; it was not small then," PEPPER said in his autobiography.

Florida and all of America will miss this champion—a man who had met Orville Wright and the Apollo spaceship crew.

He was a man who combined courage and vision who made this Nation better.

CLAUDE PEPPER—servant of the public—lived up to the high standards suggested by the Apostle Paul in his letter to the Philippians:

\*\*\* With humility of mind, let each of you regard one another as more important than himself.

Do not merely look out for your own personal interests, but also for the interests of others.

In life, CLAUDE PEPPER gave of himself, and in passing, he gives us a gift more precious than gold or gems or precious stones. His legacy is that service to many transcends service to self.

America and his friends will miss this champion, but we will honor his memory by renewing our dedication to his ideals of justice and human dignity.

I thank the Chair.

Mr. President, this resolution, which I submit on my behalf as well as Senator MACK, has been cleared by both sides of the aisle. I ask that the resolution be adopted.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 137) was agreed to, as follows:

S. RES. 137

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Claude Pepper, late a Representative from the State of Florida and formerly a Senator from that State.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

#### WARREN MAGNUSON: IN MEMORIAM

Mr. HOLLINGS. Mr. President, Senators past and present were deeply saddened during the recess by the death on May 20 of our beloved former colleague Warren Magnuson. For 47 years, Maggie represented the people of the State of Washington so magnificently in Congress—36 of those years in the Senate. He was a superb legislator, but he was more. To this Senator, he was a mentor and a dear friend.

Perhaps the most important lesson I learned from Maggie is that things can be done in the Congress if we will that they be done. And with that can-do attitude, he tackled some of the biggest issues of his day, pushing through landmark legislation to protect consumers, defend the environment, and fulfill the promise of civil rights for all Americans.

It was Maggie who divided Senator's into two categories: show horses and work horses, and Maggie epitomized the latter. He did not make many national headlines. Instead, he made headway, paving a path of progress not just for the people of Washington but for the Nation as a whole.

Long before Ralph Nader became the consumer guru, Warren Magnuson's Commerce Subcommittee on Consumer Affairs was hammering out the Truth in Packaging Act, the Door-to-Door Sales Act, and the Flammable Fabrics Act. After relinquishing the subcommittee chair in 1969, he continued to champion the consumer by pushing for consumer warranty legislation, the School Bus Safety Act, the Safe Drinking Water Act, and more.

Just as he was Congress' "Mr. Consumer," he was also Congress' "Mr. Health." In 1937, he introduced in the House a bill to create a National Cancer Institute. As Senator in 1948, he sponsored legislation that established the National Health Institute. These institutes were the beginnings of the National Institutes of Health, a magnificent research establishment that is truly Warren Magnuson's living memorial.

The people of my own State are perhaps most indebted to Maggie for his sponsorship of the National Health Service Corps. The corps serves hundreds of thousands of rural Americans who would otherwise go without adequate health care.

Another of Maggie's great contributions was in the field of civil rights. He authored the public accommodations provisions of the 1964 Civil Rights Act and was constantly in the vanguard of legislative battles for fair and equal justice.

Perhaps Maggie's most profound impact, however, was in the field of environmental protection. His Marine Mammal Protection Act saved the killer whales off of Puget Sound and, indeed, saved endangered mammals off of all America's coasts. I owe him a great personal debt for his unflagging support and wise counsel as we worked in the Commerce Committee to piece together one of the most significant environmental protection bills ever to pass this body, the Coastal Zone Management Act of 1972.

It is no overstatement, Mr. President, to say that Warren Magnuson shaped and set the agenda for the modern Senate Commerce Committee. He was a pioneer in the Senate, and a dear mentor of this particular Senator. I will always be proud of having served intimately with Maggie on the two committees he chaired. We will miss him greatly, but the fruits of his labor will be with our Nation forever.

#### TRIBUTE TO WARREN G. MAGNUSON

Mr. HATFIELD. Mr. President, last Thursday, a number of my colleagues and I gathered in Seattle to pay our final tribute to one of this century's most powerful men: Senator Warren G. Magnuson. Washington State was the first true love of the man we knew as Maggie, and it was fitting that we should travel there to pay our respects to him and to his wonderful family. But Capitol Hill was his home away from home for 44 years, and it is on this floor and in the committee rooms down the hall where those of us who had the privilege of serving with Maggie will remember him.

By the time I arrived on Capitol Hill during the winter of 1967, Maggie had been here for almost four decades already. We were a strange pair, Maggie and I: A New Deal Democrat and a Lincoln Republican, a powerful committee chairman who played poker with Presidents and a freshman Senator still learning his way around the building. But Maggie took me under his wing, tutoring me about politics and about power.

He shared with me the lesson Congressman Joe Cannon once shared with him: "There are two kinds of people in Congress," he would say, "show horses and work horses. The workhorses usually stay longer." And he shared with me the secret of success: "If you want to get something done, give someone else the credit." And then he shared a great insight: "If you've got the votes, you don't need a speech," he would say. "If you need a speech, you don't have the votes."

If you combined the history and political science departments of the best universities in this country, they still would not rival Maggie. But it was not

just the lessons and the secrets and the insights that made Maggie a great tutor.

Above everything else, Maggie knew that his power came from the people. Whether he was debating child safety legislation or marking up an appropriations bill, he always wanted to know what effect it would have on ordinary people. The first bill he ever managed to get passed—in 1937—led to the creation of the National Cancer Institute. It was one in a long, long line of what he called his people programs and stands today as a monument to his commitment to the citizens of this country.

That commitment was not so much a lesson as it was a reminder: That each of us is only a custodian of Government. In an age of press releases and sound bites, that reminder—Maggie's reminder—is to be cherished and preserved.

Anyone who knew him could spend hours extolling Maggie's accomplishments and the hundred and one ways in which he touched our lives. The greatest memorial to him, however, is that simple reminder: We are here for the people.

The Nation will miss Senator Warren G. Magnuson. As we try to carry on where he left off, those of us who knew him will miss Maggie.

#### COMMENDING THE PRESIDENT AND THE SECRETARY OF TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I rise to commend President Bush and Secretary of Transportation Samuel Skinner for their recent decision ordering automakers to increase the gas mileage of their passenger cars and imposing strict fines on those who fall below the standard. This is an important step forward in integrating the Nation's energy and environmental policies.

As a member of the Environment and Public Works Committee, I have become acutely aware that the integration of our energy and environmental policies is critical to many of the major issues we face—including reauthorizing the Clean Air Act, fighting global warming, and preserving the Arctic Refuge in Alaska.

If energy use is the yardstick, the United States currently has one of the world's least efficient economies. Japan and West Germany both now produce about twice as much GNP per unit of energy as we do. The United States has no comprehensive energy policy that addresses the sources of energy supply, the patterns of energy consumption, national security, and environmental protection. That is why Secretary Skinner's action represents such a positive step forward in demonstrating real leadership in this area.

Some 123 million Americans now live in areas which violate the national health-based ozone standard. Motor vehicles are the largest single contributor to ozone, accounting for about 45 to 50 percent. Increasing the gas mileage of passenger cars will decrease the emissions of hydrocarbons—a principal contributor to ozone—from the fuel distribution systems of automobiles, thereby helping to reduce the ozone levels in the air.

We also have heard disconcerting evidence in the last several months about the potential effects of global warming. It is undisputed that the amount of carbon dioxide, the principal greenhouse gas, has been steadily building since the industrial revolution and, unless there is something to counteract the growing volumes of CO<sub>2</sub>, the Earth's atmosphere will heat up within our lifetime and certainly within the lifetimes of our children.

Automobiles and light trucks account for 20 to 25 percent of all U.S. carbon dioxide emissions. A car that gets only 18 miles per gallon—the current average for cars—will produce more than 57 tons of CO<sub>2</sub> during its lifetime. A car that gets 26.5 miles per gallon, the standard for the 1989 fleet, will emit 20 tons less. And the 1990 model, based on the Secretary's decision, will emit even fewer tons of CO<sub>2</sub>.

Finally, there are those who still argue—even after the *Exxon Valdez* spill—that the pristine Arctic National Refuge should be used for oil production. But if we continue along the path initiated by Secretary Skinner and tighten the fuel efficiency standards, we will save billions of barrels of oil. According to one estimate, Secretary Skinner's decision will result in the saving of 4.6 billion barrels of oil during a period of 30 years. On the other hand, even under the best assumptions, the oil we might find in the Arctic Refuge would amount to 3.2 billion barrels over 30 years.

I thank Secretary Skinner for his leadership and urge him to work with EPA Administrator Reilly in forging a comprehensive national approach to combining energy efficiency and environmental protection.

#### MITCHELL HONORED BY AMERICAN TASK FORCE FOR LEBANON

Mr. DOLE. Mr. President, just before the recess, the distinguished majority leader, Senator MITCHELL, was honored with the Philip C. Habib Award by the American Task Force for Lebanon.

The task force was created several years ago, to focus attention on the tragic situation in Lebanon. It established the Philip C. Habib award to honor public figures who have provided exceptional leadership in shaping

effective American policies toward Lebanon.

Certainly, the task force could have found no more worthy recipient than Senator MITCHELL. The Nation and people of Lebanon, and the cause of freedom in Lebanon, have no more effective champion than GEORGE MITCHELL.

Mr. President, on receiving this award, the majority leader gave an important and eloquent address on American policy in Lebanon. I want to share his words with the Senate. I ask that the text of his remarks be printed in the RECORD, and urge all Senators to give them careful attention.

At the same time, I want to take this occasion to reaffirm my own commitment to work with him, and with the many other Senators deeply concerned about the situation of Lebanon—to insure that America remains engaged in this vital issue, and that American policy remains effective in achieving our important goals in Lebanon.

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

#### AMERICAN TASK FORCE FOR LEBANON SPEECH, MAY 19, 1989

It is a great honor to accept the Philip C. Habib Award. No person has more diligently worked to advance the cause of peace throughout the world. Since his entry into the Foreign Service forty years ago, Phil has worked to resolve conflicts and promote freedom in virtually every part of the world.

His efforts have been recognized by numerous awards of distinction. It is fitting that the American Task Force for Lebanon has established an award in his name. In so doing, the Task Force acknowledges Phil's special commitment to the cause of peace in Lebanon. We are fortunate to have his talent and energy devoted to a cause so special to all of us here tonight.

It is special to me because it was the place of my mother's birth. It was also the source of her values. They can be summed up in three words: God, family, country.

Whoever I am, wherever I go, whatever I accomplish, it will be because of my father and mother.

My mother's faith was total and unquestioning, an integral part of her life. After she stopped working she attended church every day. That was so important to her that she once described a local Republican candidate as a good man because she saw him often at daily mass. That upset my father who insisted that it would take more than a few masses to get him to vote for a Republican.

Her faith involved more than rituals. For her, religion didn't mean just listening to the gospel or reciting it; it meant living its message in daily life. And she did. For thirty years, she worked in textile mills, usually from eleven in the evening until seven in the morning. I still can't figure out how she did it. But she'd put us to bed before going to work all night. She'd get home in the morning in time to get us off to school, then when we got home from school in the afternoon she'd be there with the kitchen full of freshly baked bread.

She taught us early not to take ourselves too seriously. She couldn't read or write English and mispronounced many words.

When we kidded her about it, she laughed with us and usually mispronounced them even more.

My mother knew nothing of history or political science. But she understood America because she understood freedom and opportunity.

She died penniless but a very wealthy woman. Because she left behind important values, born in the soil of Lebanon, nurtured in the freedom of America, universal in their reach, and enduring in their strength.

Many of you share that heritage. Many have family and loved ones still living in Lebanon. We are all deeply saddened by the tragedy of the Lebanon today.

Since March, residential areas in and around Beirut have been devastated. Hundreds have been killed and many more wounded. The people have been trapped in their homes, often without electricity, food or water, praying simply to survive. Tragically, it is the innocent who suffer most.

Even as we meet tonight, the violence intensifies, the tragedy deepens. On April 29, the United States declared that additional emergency funds would be provided. I support this effort and will work to ensure that the United States does all it can to meet the humanitarian needs in Lebanon.

I've written to the President, written to and talked with the Secretary of State, our Ambassador to the U.N., our Ambassador to Lebanon, and many French and Lebanese officials. On April 19th the Senate unanimously approved a resolution I introduced, calling on the President to support all efforts including those of the United Nations, to achieve a cease-fire, gain the withdrawal of all foreign forces, and encourage a process of internal reconciliation among the Lebanese parties.

Unless and until the fighting stops, there can be no hope for resolving the underlying issues: withdrawal of all foreign forces and meaningful political reform.

The United States has called for a cease-fire and has supported the Arab League's efforts to mediate a peace.

But as we all know, this has not been enough.

I recently wrote Secretary Baker again.

Because it expresses directly my feelings on the subject, I'd like to read to you a part of that letter:

"A lasting cease-fire must be the immediate goal of the United States in Lebanon. I commend the Administration's repeated calls for an end to the fighting and its strong support for the Arab League's mediation efforts. Yet I believe the United States can, and must, do more.

With its 40,000 troops on Lebanese soil and its repeated shelling of civilian areas, Syria remains a major obstacle to the Arab League effort to secure a permanent truce. I am concerned that Syrian President Assad fails to understand the seriousness with which the United States regards his actions in Lebanon. The use of force cannot resolve the conflict within the country. Continuation of the destruction and the slaughter of innocents is simply unacceptable. I urge you to convey this message personally to President Assad so that there can be no misunderstanding of the policy of the United States.

I also wish to focus your attention upon the issue of American aid to Lebanon. Through the emergency food assistance program and our support for reconstruction, housing, and vocational training, the United

States has long helped alleviate suffering and assisted in the rebuilding of Lebanon.

I welcome the decision to immediately provide some aid to international and voluntary relief organizations and to consider additional emergency relief organizations and to consider additional emergency relief measures. Yet this disaster relief cannot be expected to fully address the needs of the coming year.

I therefore urge you to reexamine U.S. assistance to Lebanon to ensure that the expanded humanitarian needs will be met effectively. In particular I hope that the United States will provide the additional medical supplies and equipment that are so desperately needed by hospitals throughout the country. Further, we must be certain that our emergency food assistance program, in conjunction with other food relief efforts, will be sufficient to prevent widespread hunger and suffering in Lebanon."

That's the end of the letter. It's a simple and straightforward message. We're grateful for what's been done. But we must do more, the American Government must take an active, leadership role in bringing the fighting in Lebanon to an end.

The presence of Syrian and Israeli forces in Lebanon casts a long shadow across the country, mocking the concept of independent statehood. Other governments send men and material to advance their own aims upon Lebanese soil. Foreign interference has fueled the bitter division and violence within the country for fifteen years. It must end.

At the same time, we must candidly acknowledge that the Lebanese share some responsibility for the fate of their nation. Their failure to agree upon the election of a President last September furthered the political chaos. There are now two governments which claim legal authority. Sadly, they are defined by religious affiliation. The split has threatened the very existence of the state.

The division along religious lines is the antithesis of Lebanon's historic character. Lebanon was once a shining example of diversity and tolerance. It was a land in which Christians, Moslems and Jews lived peacefully and together created a center of industry and culture known throughout the world.

We all hope that this Lebanon one day will reemerge—that a democracy of tolerance and thriving trade can be restored.

To achieve this goal, all parties must set aside their factionalism, abandon their individual aims, and forgive their enemies.

The Lebanese factions must recognize the importance of preserving the State. They must be willing to move their struggle from the military to the political arena. If they do not, Lebanon will remain easy prey for outside powers.

I believe that, despite the years of war, the Lebanese can find their way toward accommodation. I believe they share a common faith in Lebanon.

The reaction to the death of the Grand Mufti, Sheikh Hassan Khaled demonstrates this faith. All of Lebanon was saddened when his eloquent voice of moderation was silenced. The entire nation paused out of respect for a leader who believed in a place and a future of coexistence. And in an unprecedented gesture, the Patriarch has received mourners at his official residence.

This is the true spirit of the Lebanese people. This is the spirit that will save the nation.

As trying as these times are, as large as the obstacles appear, we cannot despair. We

cannot lose hope. We must, each of us, do everything we can to see to it that our suffering brothers and sisters will some day soon enjoy the peace, justice and freedom for which they so desperately yearn and so richly deserve.

#### SENATOR DOLE'S REMARKS TO THE AMERICAN TASK FORCE FOR LEBANON

Mr. MITCHELL. Mr. President, because the situation in Lebanon is of such concern to us all, I ask unanimous consent that the recent remarks of the distinguished Senate minority leader, Senator DOLE, to the American Task Force for Lebanon be printed in the RECORD.

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

#### REMARKS OF SENATOR BOB DOLE TO THE AMERICAN TASK FORCE FOR LEBANON, MAY 19, 1989

I welcome you all back to Washington, and back to Capitol Hill. There has never been a greater need than there is today—for Americans to demonstrate their commitment to a unified, stable and peaceful Lebanon.

For the country and the people of Lebanon, each day seems to begin with new tragedy, and end with diminished hope.

Daily, artillery shells fall on Beirut by the hundreds, and deaths and injuries mount by the score. This week, we have witnessed the brutal assassination of one of Lebanon's leading voices of moderation, Shaikh Hassan Khaled—the spiritual leader of Lebanon's Sunni Muslims. Shaikh Khaled's murder was clearly intended to intimidate all moderate, nationalist Lebanese.

Washington is polluted with hyperbole, but this is no exaggeration: Lebanon as a sovereign nation is on the brink of extinction.

Unless people of courage, common sense and goodwill—people of Lebanon, of the Middle East, and of capitals from Moscow to Washington—unless such people everywhere with a stake in Lebanon's future start acting now, it will be too late.

The first order of business is to end the violence in Lebanon. No one party is responsible, and no one party can act unilaterally to end the violence.

But it will never be stopped unless Syria and its Lebanese allies end their relentless assaults on anyone who dares to oppose Syrian hegemony over Lebanon.

The Arab League initiative offers the only hope in the short term to restore some semblance of peace and stability to Lebanon. All nations and people of goodwill should embrace this initiative, support it, and urge its immediate implementation.

I should note that it is no coincidence that Shaikh Khaled was one of the most outspoken advocates of the Arab League's efforts—that surely was one reason he was targeted.

But ending the violence is only the first step. American policy must aim at three principal goals.

First, we must seek the restoration of Lebanon's territorial integrity, through the withdrawal of all foreign forces. That includes the withdrawal of the Syrians—who bring not stability but an appetite for control over all of Lebanon.

Second, we should seek to nurture a strong, unified Lebanese Government, with

the determination and resources to extend its authority over the entire country. Lebanon cannot much longer survive the prevailing situation—where foreign forces, and both foreign-backed and indigenous militias, are carving up the country into warring fiefdoms.

The fact is, we will never see an end to Lebanon's use as a base for international terrorism, hostage-taking and drug-running until a strong, responsible central government is established in Beirut—a government which can exercise control throughout the territory of Lebanon.

Finally, as these fundamental tasks are being accomplished, we should do everything possible to encourage and facilitate reform of the Lebanese constitutional system, so that there can be a government which truly represents all the people of Lebanon.

There is a great mountain to climb, and we are starting at the bottom. In fact, the task is so intimidating, and the risks and dangers so real, that many—especially many outside Lebanon, who are not in the immediate line of fire—many may be tempted to turn away and say: This is not our problem.

Regrettably, that has been the attitude of far too many in this city. The memories of hundreds of marines lost to the actions of insane terrorists; of tens of Americans taken hostage; of a half dozen Americans still held after many, many months—these memories understandably raise the question: Why should America be involved?

Well, in my view, we should; even more, we must. And for two very good, and very compelling, reasons. We should be involved because it is right. We are the leaders of the free world, and ultimately it is freedom which is at stake in Lebanon—the restoration of freedom to a people who have had one of the proudest traditions of democracy not only in that region, but in the world. The Lebanese people, no less than any other, deserve freedom—political freedom, and freedom from aggression, terror and intimidation.

Even more concretely, real American interests are at stake. Peace in Lebanon is one key to peace in the Middle East. And, as I said, America and Americans will never be safe from terrorism—unless Lebanese peace and sovereignty are restored. We will never be able to reduce the flow of deadly narcotics through the Middle East—unless a strong, central government in Lebanon can regain control of its own territory and coastline.

And I should add one final point, manifest in your presence here today. America is involved because so many Americans have family and personal ties to Lebanon. For these Americans, it is not members of this faction or that—who are dying; it is not practitioners of this religion or that—who are dodging the artillery shells. It is for them father and mother, brother and sister—who are living, who are part of, the terrible tragedy of Lebanon.

America, alone, cannot solve the problem of Lebanon; we cannot bring peace to that troubled land; we cannot restore the sovereignty of that beleaguered nation.

But neither can we stand by and watch, while others destroy a free country and free people, and threaten important American interests.

Lebanon, clearly, is a vital concern of everyone in this room; and it must remain an important concern of our Government and of all Americans.

I thank you for working so hard and effectively to get that message across. And I pledge my continuing help in our common cause.

#### JOHN McCLOY

Mr. MOYNIHAN. Mr. President, few men exert lasting and profound influence on a nation and a world for half a century. Fewer still effect this influence fueled by what John McCloy's friend, Jean Monnet, termed burning patriotism. Content to work for this Nation without fanfare, John McCloy served this country in public, but mostly in private, with service marked by integrity, vision, and enormous ability. His recent death meant the loss of a remarkable man who, as an individual, did much to shape the post-World War II world.

Mr. McCloy entered public service in 1940 as then-Secretary of War Henry L. Stimson's assistant and was subsequently appointed World Bank President in 1947. As United States Commissioner in Germany in 1949, Mr. McCloy exhibited uncommon wisdom and was principally responsible for reintegrating Germany into the European community. His effect on United States-German relations is still felt today.

Mr. McCloy went on to leadership in private life: chairman of the board of Chase Manhattan Bank, head of the Ford Foundation, and honorary chairman of the board of the Council on Foreign Relations. His work for nuclear disarmament was ground-breaking, his influence tremendous. As coordinator of U.S. disarmament activities from 1961-63 and chairman of the President's General Advisory Committee on Arms Control and Disarmament from 1961-74, he served Democratic and Republican Presidents alike. The 1963 Nuclear Test Ban Treaty and the establishment of the Arms Control and Disarmament Agency were products of his labor.

He was not only decorated with the Presidential Medal of Freedom, but as a grand officer of the Legion of Honor of France and a member of the Grand Official Order of Merit of Italy and of the Grand Cross Order of Merit of Germany.

Mr. President, former Secretary of State Henry A. Kissinger—another American leader of lasting and continuing impact—spoke so eloquently in eulogizing John McCloy. I ask unanimous consent that this eulogy be printed in the RECORD.

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

EULOGY BY HENRY A. KISSINGER, MARCH 21, 1989

John McCloy never served in the Cabinet of any President; yet he served every President from Franklin D. Roosevelt to the present. After 1952 he never occupied a full-time government position, yet few Ameri-

cans have had a greater impact on their times.

John McCloy lived by a maxim he frequently quoted by his friend, Jean Monnet, another man who changed his time without holding public office: "Every good man is ambitious. The test is whether he is ambitious to do or ambitious to be."

John McCloy was ambitious to do. And he had a marvelous time at it. His life spanned almost half the history of the Republic. He knew people who had fought in the Civil War and on the plains against the Indians. In one way or another, he witnessed every war of this century. And he lived through extraordinary change, steering much of it himself. To John McCloy the seeming contradictions of life were the raw material with which to fashion a better world. He loved his country and he loved peace but he knew that some values had to be defended. He believed both in defense and in arms control; he had a passionate faith in democracy but he was also devoted to making every honorable effort to coexist with Communist adversaries. He was perhaps proudest of having helped, in personally massive ways, to bring a defeated enemy back into the community of democracies.

John McCloy was an extraordinary pilot through waters made treacherous by conflicting currents. He supplied vision and direction in an age that too often demands answers before it formulates the questions. Amidst the uproar of clashing technical considerations, he never lost sight of ultimate goals.

John McCloy was quintessentially American. Ours is the only country which seeks its Golden Age in the future, not the past. John McCloy could not abide statements of problems unaccompanied by their possible solution. Of his associates he asked not cleverness but character. He insisted that their obligation, in whatever role, be to give the best that was within them. He was ever in ebullient warfare against the slipshod and the second-rate.

In my memoirs I referred to his anecdotal way of teaching his younger friends. He did not quite know what to make of it and every once in a while he would nudge me and raise an eyebrow. "Anecdotal? \* \* \* Is that good or bad?" So, perhaps I should answer the question by concluding with a few anecdotes of my own.

When I was appointed Security Advisor, a friend suggested that I seek out McCloy's advice on how to operate in Washington, though I barely knew him. McCloy would hear nothing of bureaucratic problems. "Kissinger," he said, "You may know a bit about foreign policy, but to be effective you have to learn about America. I will help you get a Midwesterner as your deputy. And you should take vacations in Colorado."

A few days later he sent me for consideration the name of a young lawyer a friend of his had suggested; it was one of the few times I did not take his advice—perhaps because I wrongly questioned the premise. The man he recommended has since held several Cabinet level positions and is now the CEO of a major corporation.

In 1979 I felt obliged publicly to deplore America's refusal to give asylum to the exiled Shah. McCloy saw the New York Times report and called me. He thought I must have exaggerated. But once he understood the reality, he threw himself—at the age of 83—passionately into finding a home for the Shah. To maintain the honor of his country was ever John McCloy's personal mandate.

When I was Secretary of State, I frequently sought McCloy's advice. On one occasion I invited him to have a drink with me at 6 in the evening. He came promptly and without a question. Months later, I learned—and not from him—that it was his 80th birthday and that he missed the better part of his birthday celebration. For John McCloy, public service always took precedence over his private life.

My generation lacks McCloy's certitudes and wonderfully buoyant optimism. All his collaborators benefitted from his gifts in the crucial foreign policy endeavors of our nation. Our future will be more blurry without him and much lonelier, but none of us would trade places with those not granted the gift of having known him.

At a celebration in honor of John McCloy a few years ago, I tried to sum up his life in a statement by Bismarck, the minister of a country with whose history and new beginnings John McCloy became entwined: "Those statesmen who like to fish in troubled water will wind up being paralyzed by their own cleverness. The utmost that a statesman can strive for is to listen prayerfully amidst the cacophony of history for the footsteps of God, clutch the hem of His cloak, and walk with Him a few steps of the way."

John McCloy walked humbly in God's footsteps, and for those of us he touched he gave guidance by letting us accompany him too short a part of the way.

#### SWEDISH FOREIGN MINISTER COMMENTS ON EAST-WEST RELATIONS, FOREIGN POLICY, AND SWEDISH NEUTRALITY

Mr. PELL. Mr. President, on May 17 the Foreign Relations Committee had the pleasure of meeting informally with the Foreign Minister of Sweden, Mr. Sten Andersson. There was a useful and interesting discussion of Sweden's view of East-West relations, the problems of environmental protection in relation to third world development, and the singular role of Sweden's neutrality in its international relations.

I am glad to report, on the basis of this meeting, that relations between our country and Sweden are friendly and constructive. We have mutual concerns about environment issues and about East-West relations. There is a good dialog between our countries and a refreshing absence of difficult bilateral issues.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD following these remarks the introductory remarks prepared by Minister Andersson for his meeting with the Foreign Relations Committee on May 17, 1989.

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

SPEECH OF INTRODUCTION BY MR. STEN ANDERSSON, MINISTER OF FOREIGN AFFAIRS OF SWEDEN, AT A LUNCHEON GIVEN BY THE COMMITTEE ON FOREIGN RELATIONS, UNITED STATES SENATE, MAY 17, 1989

Mr. Chairman, ladies and gentlemen, I am very honoured by your invitation and I am

grateful to have the opportunity to exchange views with all of you upon different subjects.

I would like to dedicate the first minutes to Sweden's security policy. It has three main components: our policy of neutrality, often described as non-participation in alliances in peace-time, aiming at neutrality in the event of war; it goes back to the early 19th century; a strong defence, supporting the policy of neutrality; and a foreign policy, striving to gain respect for international law and to achieve a peaceful solution of conflicts and international solidarity. We strongly believe that deep and broad economic and social gaps between nations constitute a threat to world peace and stability.

The policy of neutrality is a means by which Sweden tries to avoid being dragged into war. It is not an end in itself, but a means which we use in our endeavour to safeguard our independence and national security.

The policy of neutrality is not an attempt at climbing onto moral high ground. I would like to stress that. And our neutrality is not an ideological neutrality. Sweden is—as you are very well aware—a Western democracy, and, like the United States, a member of the cultural community that traces its roots to the Judeo-Christian value system and ancient Greek philosophy.

Through our policy of neutrality and our substantial defence efforts we have made an important contribution to preserving the Nordic region as a stable area of low tension in Europe.

Sweden lies at the crossroads between NATO and the Warsaw Pact in Europe. In fact, Sweden covers about half of this border area. I venture to believe that our policy of neutrality has been—and is—of benefit to the peace and security of the whole of Europe.

Perhaps, this aspect of Sweden's contribution to stability and security in Europe was particularly important during the Cold War, in periods of tension between East and West.

But—and this is my firm conviction—Sweden's policy of neutrality and Sweden's role in Europe is no less important today, when we are witnessing a growing understanding and an increasing cooperation between East and West.

We are living through a thrilling period in Europe these days. Comparing the importance of historical events is difficult and often meaningless. But I would argue that what is happening in the Soviet Union and in some other East European countries today is the most important event in Europe since the end of World War II.

Let us call it democratization. Let us even call it an "agonizing reappraisal" of the past. But in doing so, we must be realistic at the same time. We can't foresee the end of the process. We must not draw too far-reaching conclusions from what we witness. There is, of course, reason to appraise current events in the Soviet Union with vigilance and without illusions.

Nevertheless, it is a Swedish national interest, a European interest and—I believe that you share my opinion—a world-wide interest that this process continues. Therefore we should do our best to encourage it.

For historical and geographical reasons and thanks to its policy of neutrality, Sweden has special opportunities for establishing contacts with the Baltic republics. Responding to their demands for cooperation in economic, cultural and scientific and other fields is an essential contribution to

the dismantling of artificial barriers in Europe. And, at the same time, it is one way we can give substantial support to the Soviet policy of renewal. There is undoubtedly some justification for calling the Baltic republics "the vanguard of the perestroika".

As I said initially, respect for international law, a peaceful solution of conflicts and—I add—respect for human rights and strong support of the United Nations are cornerstones in Swedish foreign policy. It is always the smaller nations like Sweden which suffer most from violations of international law.

We cannot accept the law of the jungle in relations between nations. We must have a set of rules for behaviour among nations—just as we have between citizens of a country.

Swedes have often been used to mediate in international conflicts, sometimes sacrificing their lives.

Count Folke Bernadotte, who shipped people out of the concentration camps in Germany at the very last minute in 1945, fell by an assassin's bullet in Jerusalem in 1948 when serving the United Nations.

My old friend Olof Palme mediated on behalf of the Secretary General of the UN in the conflict between Iran and Iraq as did Gunnar Jarring in the Middle East, and my friend and collaborator for many years Bernt Carlsson in Namibia.

Dag Hammarskjöld was the second Secretary General of the United Nations.

Raoul Wallenberg was not a mediator but a great hero of human rights, whom I can't avoid mentioning in this context. As you very well know, Raoul Wallenberg, who is now an honorary citizen of the United States, saved tens of thousands of lives in Budapest during the last months of World War II.

In recent times, the Swedish government has done some work to facilitate the opening of a dialogue between the United States government and the PLO—a crucial step in the process leading to peace in the Middle East.

Of course, Sweden prefers peaceful settlements of all conflicts as does the United States and the rest of the world. But we also make these efforts to contribute to peaceful solutions of conflicts because it is our own security that is at stake, when there are wars and armed conflicts going on in the world.

Armed conflicts can always escalate and spread. Even a remote war can be the spark that brings the world close to doomsday. I don't need to give you any worst-case scenarios for the Middle East.

We believe that our policy of neutrality as a spin off effect creates possibilities for us to act as mediators and work for peaceful settlements of conflicts. We have no alliance commitments that could make the parties involved in a conflict suspect that we are not acting independently.

And—finally—there are some moral considerations in our foreign policy, considerations based upon solidarity. We earnestly think that Sweden, a fairly rich country which has been spared the terrible experience of war for 175 years, has a duty towards less fortunate countries.

Thank you!

## AMBASSADOR WACHTMEISTER ENDS HIS SERVICE AS SWEDISH AMBASSADOR AND DEAN OF THE DIPLOMATIC CORPS

Mr. PELL. Mr. President, I would like to express my sadness—and pleasure—at the circumstances under which Ambassador Wilhelm Wachtmeister is ending his service in Washington as Ambassador of Sweden and dean of the diplomatic corps.

Sadness because Willy Wachtmeister's retirement from the Swedish Foreign Service marks the end of an era in which he has played an exceptional role in furthering the interests of his country and the cause of good relations between Sweden and the United States.

Pleasure at the knowledge that Count Wachtmeister and his lovely wife Ulla will continue to live in Washington and, indeed, make this city their home.

Washington has had a love affair with the Wachtmeisters for many years, and it is good to know that the feeling is mutual.

I ask unanimous consent that the text of an article in the Washington Post, May 17 about Ambassador and Mrs. Wachtmeister be printed at this point.

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

### THE WACHTMEISTERS, STAYING IN TOUCH—SWEDEN'S DIPLOMATIC DUO, TAKING LEAVE OF THE EMBASSY BUT NOT THEIR CAPITAL HOME

(By Martha Sherrill)

They live in a world where good Swedish meatballs and a great game of tennis still count for something. They haven't been dying for their country, exactly. They've been pouring drinks for it. Planning menus for it. Shaking hands. Playing tennis.

When asked how they managed to become the most beloved couple on Washington's Diplomatic Circuit, Wilhelm and Ulla Wachtmeister of Sweden fumble for answers.

He says it's her parties.

She says it's him.

Their dearest, closest friends here—blue-bloods, old money politicians, cave dwellers—generously unlock their jaws:

"They are very attractive," says Sen. Claiborne Pell (D-R.I.). "They are professional diplomats to the core. They know languages. They also have very strong personal interests. The Countess Wachtmeister—I'm sure you know—is a very good painter. And Count Wachtmeister is very good in lawn tennis."

"They entertain so beautifully," says Archie Roosevelt.

"The flowers," says Evangeline Bruce, "were like nobody else's."

"Her hand is amazing," says Ina Ginsburg, "She will put a ribbon somewhere and it will have a tremendous effect."

"I'll give you an example of how sweet she is," says Lucky Roosevelt. "Once my mother was visiting and I was away, and she took my mother to lunch . . . How kind! What kindness! She's incapable of a malicious thought."

"They've really become part of our lives here," says Susan Mary Alsop. "When I found out they were staying, I was soooooo relieved. Their leaving would have felt like the Washington Monument being removed."

"They are close family friends," says Barbara Bush, "All our children know and love them. I promise they will be a Washington couple which belies that old rule, 'When you're out, you're out.'"

"With George and I, the Wachtmeisters will always be in."

Count Wilhelm Wachtmeister, the ambassador of Sweden and the dean of the diplomatic corps, will be retiring from both posts at the end of this month. He and Ulla, the Countess Wachtmeister, will not be returning to Sweden. They like it too much here.

The ambassador's highest-ranking tennis partner, President Bush, stopped by the residence Monday night. Last night 1,000 family and friends—members of the Cabinet, of Congress, of the diplomatic corps—gathered for an "au revoir" party in their honor. For the first time the Wachtmeisters openly discussed their plans for the future. She's going to paint full time. He's stepping into the private sector, as an adviser to Volve Chairman Pehr Gyllenhammar and a member of the American board of P-K Banken, a Swedish bank.

"This is something," he says, "that you do very much here in America—where you go between the two sectors. But we don't do that at all in Sweden, but now is my chance."

Last week at the residence, the couple sat down to talk about 42 years of diplomatic life, the last 15 spend in Washington, and their decision to stay.

Wachtmeister leads the way through the place—a white Spanish stucco house that belongs in Bel Air. He walks past the heavy furniture, tapestries, icons. He's a tall, fit-looking 66-year-old. His charcoal suit matches his hair. He keeps looking at his watch. He seems stern until he smiles once. Friends call him "Willie."

He arrives at an airy room filled with his wife's huge, colorful paintings. Out beyond the many windows overlooking the garden lies the tennis court—sort of Wachtmeister's outdoor business office.

Ulla Wachtmeister nods for tea and coffee to be served. She's delicate, a cloud of yellow-blond curls and soft skin. She's wearing a short navy blue jacket with opulent gold trim. It appears to be something terribly expensive, but turns out to be an old uniform coat of Willie's from his days as a young diplomat in Madrid. The countess cut it up herself.

"I want to scale down my activities," he says. "I want to control my own schedule, which I haven't done for 15 years."

"For 42 years," corrects Ulla.

"Right," he says, "42 years."

They've lived and raised their three children in Vienna, Madrid, Lisbon, Moscow and Algeria. Wachtmeister spent three years in New York as personal secretary to then United Nations secretary general Dag Hammarskjöld. During their years in diplomacy, they've spent a total of 15 years in Sweden. And during his post here, Wachtmeister has lasted through five U.S. presidents, six secretaries of state and eight chiefs of protocol.

"While receptions and visits and ceremonies are very nice," says the ambassador, "you can be saturated from it. I feel less hungry about these things. I think somebody hungry should go to the table. And those who have already eaten should step back."

Ulla Wachtmeister has watched 65,000 people parade through her house in the past 15 years, somebody on her staff estimates. Although she herself would never use a word like "parade." It's too common, too undiplomatic. Her voice floats and isn't always audible. She talks about her "inner life," and about how they met.

It was on a hunting party in Sweden. Perhaps 1945. "It was very cold and my husband caught a virus," says the countess, who was an 18-year-old baroness at the time. "He didn't feel so well, and I made some lemon-and-honey water for him. I took care of him, you see, and it went to his heart."

Just two weeks before his first posting in Vienna, in 1947, the Wachtmeisters were married. "I didn't know what I was getting into," she says. "You learn during your life, what it's all about."

People seem to agree she's not the ordinary Washington hostess. "She's a woman of great depth. Very profound. So unusual for Washington," says Lucky Roosevelt. "And she does the diplomatic things, which is often all talk—well, you know how that is—and she does it beautifully. But if you want to delve further she can do that, too."

She once threw a candlelight dinner in her kitchen for Norwegian actress Liv Ullman and invited Henry Kissinger, who was then secretary of state. When the king of Sweden was still a bachelor, she organized a luau and sat everyone on the floor of a tent. They wore leis. The king danced. A couple times—when tennis champion Bjorn Borg has come to town—she's grown a little grass tennis court in the middle of the dinner table.

Sen. Alan Simpson (R-Wyo.) says he met Ulla in 1979—she was his dinner companion at some party or other. He was totally enchanted. "The conversation was not about politics," he says. "It was about kids and life and fun and spirit."

"Everybody agrees," says Evangeline Bruce, once an ambassador's wife, "that Countess Wachtmeister in her diplomatic entertaining and friendships is able to show a serenity and awareness that are quite rare."

Rare too, she's never used a caterer. Even last night, her Swedish chef prepared the cuisine. She also grows all her own flowers, and often designs and sews her own clothes. When Wachtmeister became dean, their monthly entertaining budget grew to \$4,000 and included another staff member to do the grocery shopping, but for the first 12 years of entertaining here, the countess shopped herself. The food she served to Americans was typically Swedish, usually a smorgasbord.

"I used to wonder how many pounds of potatoes I carried home over the 12 years," she says. "You know, in Sweden we eat so many."

Their guest lists weren't remarkable, says Roosevelt. "No, not unusual. They knew everybody," she says, "and sooner or later you'd see all the top people."

Wachtmeister's good. He plays tennis to win. When asked who can beat his game in town, he hedges diplomatically. "John Heinz—whom I play singles with regularly," he says, "can beat me."

"He's 10 years younger, isn't he?" asks Ulla.

"Eighteen," says the ambassador.

"The president," he continues, "is a good player."

"Fantastic game," says the countess.

The president and the ambassador had met at social functions, says Wachtmeister,

but they became close friends on the court when Bush was vice president.

Sen. Heinz (R-Pa.) says he beats Wachtmeister when he's lucky—"He's relentless, aggressive and wily." Ginsburg used to be Wachtmeister's doubles partner. "This is a tennis town," she says. "I've known people who've come here and decided they had to learn tennis because it was such a good entrée."

"There is another word for diplomacy—and that's *contact*," Wachtmeister explains. "There are special things, hobbies—like tennis in my case. It happens to fit in very well, because Sweden's great power in tennis. And because tennis is so much *en vogue* here in America. It's in. Which is reflected in the government officials playing. You know that out of the 100 senators, 25 are active tennis players? Every fourth senator is an active—and many of them, good—tennis player."

And Wachtmeister's sporty pals might be more likely to come to Ulla's parties. "I'm sure that senators get 10 invitations a day from embassies," he says. "And I have heard that senators tell their secretaries that they decline all embassy invitations except this, this, this. The secret is to get on the exception list. And after two years I think that we were on that list."

"Their friendship with me is based on much more," says Simpson, who does play tennis. "I wouldn't wander onto a court with Willie Wachtmeister for anything . . . He can really punch that ball."

Kay Evans, wife of columnist Rowland Evans, is happy to discuss her husband's tennis relationship with Wachtmeister. "Rowly plays early morning tennis every Friday with Willie," she says. "And that improves Rowly's disposition tremendously. I'm very happy about that, *very*."

"Tennis is like a party," says Wachtmeister. "It's a vehicle—one means—to get together."

"Sweden," somebody once said, "was nothing before the Wachtmeisters." This is, of course, a gross exaggeration. What he really meant to say was that the Swedish embassy was nothing before the Wachtmeisters. Or maybe that it was *empty* before the Wachtmeisters.

At the time they arrived, in 1974, U.S. relations with Sweden were not so spectacular. Prime Minister Olof Palme publicly compared the U.S. bombing of Hanoi with German World War II atrocities, and President Nixon sent the ambassador home. For 14 months the Swedish residence—and the tennis court—were vacant.

"When Nixon apparently made up his mind that the punishment was over," says Wachtmeister, "that's when I was appointed."

"There haven't been any flaps since. Well, except one. In 1981, rather than attending a big party at the Soviet Embassy to celebrate the 64th anniversary of the Russian Revolution, Ambassador Wachtmeister chose to play tennis instead. A Soviet submarine had recently gone aground in a restricted military zone off the coast of Sweden.)

The Wachtmeisters had just a few acquaintances here when they arrived. They knew Pell, who had met the ambassador in 1957. And they knew Ginsburg, because Pell introduced them. Ulla says Ginsburg was enormously helpful during the adjustment period.

"It can be very difficult for couples when they first move here," says Ginsburg. "For instance, you might want a picture of people before you meet them . . . and it takes a

long time to sort out who is who, and who one should enjoy."

"It does take awhile," says Ulla. "I think this is a mysterious part of the world."

Things on the diplomatic party circuit have since changed. "In the '70s it was rather much influenced by the Iranian ambassador at that time," says Wachtmeister. "It was a splashy kind of thing. And the diplomatic social life in Washington has become much less flashy in the '80s."

"And less visible," says the countess.

"I think the change started with the Carter administration—which was sort of low-key," says the ambassador. "It's much more businesslike now . . . I always resent when the Swedish journalists gripe about the parties taking place here. These are social events for the purpose of getting together, and talking business—politics, if you like. It's not to dance and drink. And not always so fun. It's a hard working capital, as you know. Dinner's over at 11:00. People are in bed at 11:30 if they are lucky."

It was no huge surprise when Wachtmeister announced his retirement. Last month when he turned 66, he reached the mandatory retirement age for the Swedish civil service. He had already stayed a couple years longer than he originally planned after becoming dean of the diplomatic corps in 1986, a high-profile position that any country would consider a coup.

Andrew J. Jacovides, the ambassador of Cyprus, was chosen to succeed Wachtmeister as dean—after a certain amount of confusion. The senior ranking ambassador (based on longevity) automatically becomes dean, and Maiava Iulai Toma, the ambassador of Western Samoa, has seniority over Jacovides. But Toma doesn't reside in Washington, which everyone agreed was a problem.

"He's been a model ambassador and an excellent dean, and anyone who comes in will have huge shoes to fill," Jacovides says of Wachtmeister. "I will certainly do my best to equal him, and do as conscientious a job as I could—for that limited period that I have."

He says "limited" because he plans soon to return to Cyprus, he says, to be the director general of the Ministry of Foreign Affairs—"an important job that needs to be filled."

"I feel sort of sorry for the next dean," says longtime diplomat Archie Roosevelt of Jacovides. "They are a marvelous couple, but I don't think they can afford to entertain like the Wachtmeisters, and their place is soooo tiny."

"Who's next in line after Cyprus?" Roosevelt asks.

Probably Sukru Elekdag, the ambassador of Turkey, he's told.

"Well, the Turks have a terrific embassy," he says. "And they'd love having the new dean."

Countess Wachtmeister bought their Spring Valley town house seven years ago. It doesn't have a tennis court—she doesn't play, after all. She uses her muscles to paint, she says. "It's been a studio. I found it for painting and also for weekends when I wanted to get out of the house. It's wonderful, it's just down the road here . . . It's just perfect for another life, for our third life."

Once she gets there, she'll paint again. "You have to immerse yourself to be creative," she says. "You have to go deep into yourself, to express yourself." In the last two years, there's been little time for this. She's not been paid to be an ambassador's wife—and believes that diplomatic wives

should have a choice of playing hostess or not.

"It depends how you feel about your country, your husband and your own life," she says. "You can hire caterers and a housekeeper to look after the house. There are many bachelor ambassadors who do very well."

Their summer schedule seems loose, but it's tightly drawn. They'll be in Sweden until July, when the ambassador goes for a board meeting of the "International Tennis Hall of Fame" in Newport, R.I. After that, he goes for a week at the Bohemian Grove—the Bohemian Club's campground outside San Francisco—then back to Sweden for the rest of the summer.

Once back in town, Wachtmeister plans to stay off "the official circuit" and away from the toes of Anders Thunborg, the new ambassador—formerly Sweden's ambassador in Moscow. "I don't want to run over him," says Wachtmeister. "So we'll be very low-key in that regard. We will see our friends—our nonpolitical friends—and, of course, members of cabinet and others who are personal friends, but we will stay out of the public limelight."

For other retired diplomats, there hasn't been much limelight to stay out of. The invitations usually don't come the way they used to. "They won't be sitting at home, I'm sure," says Ginsburg. "They have contributed too much, they've been giving too much."

And will Washington remember that?

"I think this," she says, "will be a case where they will."

All of which doesn't seem to concern Ulla Wachtmeister much. Maybe fewer invitations would be fine. "What is this life all about if you have no time for affection?" she asks. "Everything in our lives is so quick, and my husband and I have had a wonderful life together. It's lovely to have a little house where we can be like newlyweds again."

#### NORWEGIAN PRIME MINISTER SPEAKS ON "GLOBAL CHANGE AND OUR COMMON FUTURE"

Mr. PELL. Mr. President, the Foreign Relations Committee has had the pleasure of meeting recently with the Prime Minister of Norway, Mrs. Gro Harlem Brundtland. On the basis of our discussion, I am glad to report that the relationship between our country and Norway is friendly and constructive.

In addition to her service as Prime Minister of her country, Mrs. Brundtland serves as Chairman of the World Commission on Environment and Development, and is widely recognized for her leadership in the area of environmental protection. Foreign Relations Committee members were able to see it first hand her qualities of intelligence and commitment that have brought her to world prominence on this vital subject.

While in Washington, Mrs. Brundtland delivered the Benjamin Franklin lecture, on May 2, 1989, entitled "Global Change and Our Common Future." I ask that the text of this lecture be printed in the RECORD at this point.

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

SPEECH BY MRS. GRO HARLEM BRUNDTLAND, PRIME MINISTER OF NORWAY, CHAIRMAN OF THE WORLD COMMISSION ON ENVIRONMENT AND DEVELOPMENT

GLOBAL CHANGE AND OUR COMMON FUTURE—THE BENJAMIN FRANKLIN LECTURE, WASHINGTON, D.C., MAY 2, 1989

We are living in an historic transitional period in which awareness of the conflict between human activities and environmental constraints is literally exploding. This finite world will have to provide food and energy, and meet the needs of a doubled world population sometime in the next century. It may have to sustain a world economy which is five to ten times larger than the present one. It is quite clear that this cannot be done by perpetuating present patterns.

In the never-ending human search for an improved habitat, for new materials, new energy forms and new processes, the constraints imposed by depletion of natural resources and the pollution caused by the conversion of resources have brought mankind to a crossroads.

In spite of all the technological and scientific triumphs of the present century, there have never been so many poor, illiterate or unemployed people in the world, and their numbers are growing. Close to one billion people are living in poverty and squalor, a situation that leaves little choice, in a struggle for life which often undermines the conditions for life itself, the environment and the natural resource base.

We continue to live in a world where abundance exists side by side with extreme need, where waste overshadows want, and where our very existence is in danger due to mismanagement and overexploitation of the environment.

The undermining of respect for international obligations was one of the many negative trends in international politics during the 1970s and the early 1980s.

I believe that the threats to the global environment have the potential to open our eyes, and to make us accept that North and South will have to forge an equal partnership. The threats to the global climate prove beyond doubt that, if everyone does as they please in the short run, we will all be losers in the long run. We need to develop a more global mentality in charting the course towards the future, and we need sound scientific advice and firm political and institutional leadership.

We face a grim catalogue of environmental deterioration. We know that forests are vanishing. Every year 150,000 km<sup>2</sup> disappear. We are becoming increasingly aware of the spread of desert land. The yearly rate is 60,000 km<sup>2</sup>. Good soil is being washed away or eroding at alarming rates. It is estimated that about 150 plant and animal species are becoming extinct every day, most of them unknown to laymen and specialists alike. The stratospheric ozone shield is in danger. And above and beyond all these signs of environmental crisis, the climate itself is threatened.

As the challenging dynamics of global change gradually become clearer, the role of the men and women of science in shaping our common future becomes more central. The interplay between the scientific process and the making of public policy is not a new phenomenon. Indeed, it has been a charac-

teristic of most of the great turning points in human history. One need look back no further than the dawning of the nuclear age to conclude that names such as Fermi, Bohr, Oppenheimer and Sakharov have influenced today's world just as much as Roosevelt, Stalin, Churchill, Gandhi and Hamarskjöld.

It may be more important now than ever before in history for scientists to keep the doors of their laboratories open to political, economic, social and ideological currents. The role of the scientist as an isolated explorer of the uncharted world of tomorrow must be reconciled with his role as a committed, responsible citizen of the unsettled world of the present.

The interaction between politics and science has been decisive in the pursuance of international consensus on the problem of stratospheric ozone depletion. The protocol which was hammered out in Montreal in September 1987, which provides for reducing CFC emissions by 50 per cent over the next decade, could never have been achieved without a delicate balance between the most up-to-date scientific information, reliable industrial expertise and committed political leadership against a background of strong, and informed public interest.

The fact that new scientific data on the threat to the ozone layer has already prompted us to move beyond the 1987 accords only underlines my point: The scientist's chair is now firmly drawn up to the negotiating table, right next to that of the politician, the corporate manager, the lawyer, the economist and the civic leader. Indeed, moving beyond compartmentalization and outmoded patterns to draw upon the very best of our intellectual and moral resources from every field of endeavor lies at the very heart of the concept of sustainable development.

It is a rare privilege to be here in Washington today and to speak about the challenges before us as we approach the end of a century that has brought more changes than the entire previous history of mankind. I do so emphasizing that U.S. leadership will be decisive if we are to succeed, on a global scale, in making the necessary changes. I do so with the greatest respect and admiration for the human and material resources of this country, resources which can and must be mobilized for sustainable development if we are to overcome the interlocked environment and development crisis.

This nation has perpetually fostered human genius. Benjamin Franklin himself was a paragon of intellectual curiosity and versatility. His inquisitive, insatiable mind was constantly on the look-out for knowledge and would have found it in a desert. His own words about learning are illustrative, and I quote: "In persons of a contemplative disposition, and the most different things provoke the exercise of the imagination, and the satisfaction which often arise to them thereby are a certain relief to the labor of the mind as well as to that of the body".

Had Franklin been alive today, he might have found a solution to the energy problem. He was actually very involved with the problem of energy efficiency. Franklin was the first scientist to study the Gulf Stream. He found that a vessel sailing from Europe to America could shorten the voyage by avoiding the Stream, and that a thermometer could be used to determine the edge of it.

Today, the international agenda has grown more varied and complex, but also

more promising. Advances are being made in a number of fields, including the easing of tensions between East and West with the ensuing gains for peace and security and the settlement of regional conflicts.

Should we not take advantage of this favorable climate and direct our efforts towards the critical environment and development issues facing us? Many of these problems cannot be solved within the confines of the nation state, nor by maintaining the dichotomy between friend and foe. We must increase communication and exchange, and cultivate greater pluralism and openness.

In 1987, the World Commission on Environment and Development presented its report "Our Common Future". The Commission sounded an urgent warning: The present trends cannot continue. They must be reversed.

The World Commission did not, however, add its voice to that of those who are predicting continuous negative trends and decline. The Commission's message is a positive vision of the future. Never before in our history have we had so much knowledge, technology and resources. Never before have we had such great capacities. The time and the opportunity has come to break out of the negative trends of the past.

What we need are new concepts and new values based on a new global ethic. We must mobilize political will and human ingenuity. We need closer multilateral cooperation based on the recognition of the growing interdependence of nations.

The World Commission offered the concept of sustainable development. It is a concept that can mobilize broader political consensus, one on which the international community can and should build. It is a broad concept of social and economic progress. The Commission defined sustainable development as meeting the needs and aspirations of present and future generations without compromising the ability of future generations to meet their needs. It requires political reform, access to knowledge and resources, and a more just and equitable distribution of wealth within and between nations.

Over the past couple of years some progress has been made in the environmental field, both in terms of raising consciousness and in terms of taking on particular challenges, such as in the Montreal Protocol on the ozone layer and the Basel Convention on hazardous wastes. However, the picture is very uneven, and the achievements far from justifying complacency.

As far as development is concerned, however, the 1980s have been a lost decade. Though some countries have done well, there has been wide-spread economic retrogression in the Third World. Living standards have declined by one fifth in Sub-Saharan Africa since 1970.

Unsustainable, crushing burdens of debt and reverse financial flows, depressed commodity prices, protectionism and abnormally high interest rates have all created an extremely unfavorable international climate for development in the Third World.

Politically, economically and morally, it is unacceptable that there should be a net transfer of resources from the poor countries to the rich. Paradoxically, the fact of the matter is that while close to a billion people are already living in poverty and squalor, the per capita income of some 50 developing countries has continued to decline over the past few years.

These trends will have to be reversed. As pointed out by the World Commission on

Environment and Development, only growth can eliminate poverty. Only growth can create the capacity to solve environmental problems. But growth cannot be based on overexploitation of the resources of developing countries. Growth must be managed to enhance the resource base on which these countries all depend. We must create external conditions that will help rather than hinder developing countries in realizing their full potential.

What we now need is Global Consensus for Economic Growth in the 1990s. It must comprise:

Economic policy coordination that will promote vigorous noninflationary economic growth; Major challenges include reducing payments imbalances between the USA, Japan and the Federal Republic of Germany, and making the surpluses of Japan, the Federal Republic of Germany and other countries increasingly available to developing countries.

From a world development point of view, the financial surpluses of the OECD countries should increasingly be used for investments in developing countries rather than for financing private consumption in the major industrialized countries.

We need policies that will secure more stable exchange rates and increased access to markets on a global basis; Protectionism is a confrontational issue and a no benefit game. Every year, protectionism costs the developing countries twice the total amount of development assistance they receive. The benefits of free trade both for the North and for the South are obvious.

We need policies that will sustain and improve commodity prices;

Policies must encourage and support diversification of the economies of the developing countries; we need adjustment programs that are realistic. Their pace and sequence must be carefully tailored to the characteristics and development priorities of the individual countries through a policy of dialogue. More must be done to incorporate poverty concerns and environmental considerations into adjustment programs.

We need major new efforts that will reduce debt based on the recent Brady initiative. For debt owed to multilateral institutions, the scheme based on a Nordic proposal to soften interest payments on such loans has been taken up by the World Bank. We believe this and similar schemes should be extended in the future.

A very civilized, ancient legal provision on debt reads as follows: "If a man owes a debt, and the storm inundates his field and carries away the produce, or if the grain has not grown in the field, in that year he shall not make any return to the creditor, he shall alter his contract and he shall not pay interest for that year".

This quote is taken from the Code of Hammurabi, King of Babylon, which dates from the year 2250 BC.

4,000 years later the debt burdens, the environmental crisis and the decline in the flows of resource transfers are trends that call for equally civilized considerations.

In addition to our debt efforts, what is called for is increased development assistance, nothing short of a "Marshall Plan" for the poorer nations of the developing world, notably for Africa. I see no reason to conceal, that while Norway has given around 1.1 per cent of its GNP in official development assistance to developing countries in recent years, we are disappointed that the OECD average has declined to a meager 0.34 percent. Those donor countries

which have been lagging behind in their ODA transfers should now make renewed efforts in line with their abilities.

The Soviet Union and Eastern Europe must also contribute to a far greater extent than they have done so far. The developing countries have been declaring their readiness to do their part in terms of policy reforms and constructive negotiations.

A Global Consensus for Economic Growth in the 1990s must be consistent with sustainable development. It must observe ecological constraints. There are no sanctuaries on this planet. If the next decade is to be truly a decade of response to the serious problems which confront the world, the issue of sustainable global development must receive special, and urgent, attention.

It is time for a global economic summit to launch a new era of international cooperation. Issues like the debt crisis, trade matters, resources for the international financial institutions, harnessing technology for global benefit, strengthening the United Nations system, and specific major threats to the environment such as global warming, are becoming increasingly interrelated. Would it not be appropriate to consider both our economic and our environmental concerns together at such a summit, given the critical links between the two?

The Third World seems convinced that international poverty is not a mere aberration of international economic relations which can be corrected by minor adjustments, but rather the unspoken premise of the present economic order. Developing countries have had to produce more and sell more in order to earn more to service debt and finance imports. And the amount of coffee, cotton or copper they have had to produce to buy a water pump, antibiotics or a lorry has kept increasing.

This has led to over-taxation of the environment. It has fueled soil erosion and accelerated the cancerous process of desertification and deforestation. This in turn has begun to threaten the genetic diversity which is the basis for tomorrow's biotechnology, agriculture and food supply.

Biotechnology is a case in point. The effects of modern biotechnology on agriculture and food security in the Third World must be given special care and attention. Clearly, the production of enough food to feed a doubled world population is inconceivable without biotechnology. But there are inherent dangers that could, unless they are avoided, further widen the gap between poor and rich.

The benefits of plant breeding and plant varieties with greater resistance and more rapid growth potential have been, and will continue to be immense. But these benefits may become available only to the rich, while the genes employed in the process often originate in developing countries which derive very little benefit from their use.

Strong international corporations may dominate this field. Legal protection and very firm rules regarding rights of ownership may reduce the availability of products which are important for nutrition and the prevention of famine.

Small-scale farmers in the Third World risk being victims in this process. Biotechnology may produce substitutes for their crops. They may lose income and the ability to provide for their families.

The industrialized countries have a responsibility for controlling market forces in this field and for promoting a more equitable sharing between developed and develop-

ing countries. The protection of intellectual property rights and royalties must be in a form which promotes research, which provides for an equitable sharing of financial benefits between inventors and the country of genetic origin and, not least, which makes the products of biotechnology available to those who need them.

We need to foster a stronger sense of collective responsibility and to make the international bodies we have created more effective. The time has come to seek more innovative structures for cooperation than those we have available at present. Stronger mandates for making binding decisions should be worked out.

The threats of global heating and climatic change may be the most severe threat to future development. Life on earth depends on the climate. Human settlement, food production and industrial patterns are at stake.

The effects of climate change may be enormous. The impact may be greater and more drastic than any other challenge previously facing mankind, with the possible exception of the threat of nuclear war.

There is one big, decisive difference here. Whereas nuclear war can be avoided—and at present it seems more remote than at any time since World War II—we will be caught in the heat trap of global warming unless we reduce our consumption of fossil fuels.

We may be about to alter the entire ecological balance of the Earth. The time span needed for plants and animals to adjust to a new climate is normally hundreds of years. However, unless drastic changes are made, the ecosystems will not be able to adjust. Deserts will spread. Crops will be lost. Last year's drought may not have been the result of climatic change, but what will happen if we experience two such dry summers, or ten such dry summers in succession? What will happen to food production? Can we conceive of a doubling of food prices, or even a scarcity of food in the industrialized countries? The developed countries may be able to cope in the short run as long as they can pay for necessary imports. But that option will soon be lost to the developing countries.

Can we conceive of the effects on low-lying countries if the sea-level should rise according to predictions. Can we see any solutions to the political instability that will accompany increased migration as the number of environmental refugees continue to multiply.

All this may not happen, or it may not be that drastic. But the potential risks are so high that we cannot sit back hoping that the problems will solve themselves.

The present generation has a great responsibility. It is this generation that will have to set limitations on our own use of limited resources, in particular on the burning of fossil fuel. We must recognize that the earth's atmosphere is a closed system. We are not getting rid of our emissions. In fact it is like a car which pours out its gases into the driver's compartment.

We must tackle the myth that energy consumption must be allowed to grow unchecked. The industrialized countries have the greater resources, both financially and technologically, to change production and consumption patterns. The developing countries will need much more energy in the future. Many of them have contributed only marginally to the greenhouse effect, and many of them will be most severely victimized by global heating. They must be allowed more time for adaptation and a chance to increase their consumption.

We need concerted international action. There are certain imperatives which must

be pursued with vigor as matters of the utmost urgency:

We need to agree on regional strategies for stabilizing and reducing emissions of greenhouse gases. Reforestation efforts must be included as a vital part of the carbon equation.

We must strongly intensify our efforts to develop renewable forms of energy. Renewable energy should become the foundation of the global energy structure during the 21st century.

It is quite clear that developing countries will need assistance to avoid making the same mistakes we have made over again. It is essential that energy-efficient technology be made available to developing countries when they cannot always pay market prices without assistance.

We should speed up our efforts on international agreements to protect the atmosphere. There are different views on how to proceed on this issue. I urge that negotiations to limit emissions be started immediately.

On 11 March, 22 Heads of State and Government signed a Declaration which set a standard for future achievements to protect the atmosphere. In the Declaration of The Hague we called for more effective decision-making and enforcement mechanisms in international cooperation as well as greater solidarity among nations and between generations. The principles we endorsed were radical, but any approach which is less ambitious would not serve us.

The Declaration calls for new international authority with real powers. On occasion the power must be exercised even if unanimity cannot be reached.

We must have defined standards and ensure compliance. We must have effective regulatory and supportive measures and uphold the rule of law.

Sharing the burden is essential. That is why we called for fair and equitable assistance to compensate those developing countries which will be most severely affected by a changing climate, but which have contributed only marginally to global heating.

The Norwegian Government last Friday adopted a White Paper on the follow-up of the World Commission's report. It has involved all ministries, and not only that of environment; it has implied change in attitudes and policies, and tough challenges for the heavy sectoral ministries such as energy, industry, transportation, finance, foreign affairs and trade, and the Prime Minister's Office has been directly engaged charting a cross sectoral course for the future.

The issue of atmospheric pollution and climate change proved to be a very difficult one. It is difficult because Norway has been fortunate to have vast hydroelectric resources. We do not burn coal or oil to produce electricity. Any reductions of CO<sub>2</sub> emissions in Norway would involve transportation.

Many also ask why Norway could make a difference when we cause only 0.2 percent of global CO<sub>2</sub> emissions. Should we impose limitations upon ourselves even if other countries have not yet done so?

The Norwegian Government has chosen to set out clear goals. I believe we are the first country to make a political commitment for reductions of CO<sub>2</sub> emissions.

Norway sets a policy for stabilizing its emissions of CO<sub>2</sub> in the course of the 1990s and at the latest by the year 2000.

The Government presupposes that thereafter, a reduction will be possible.

Together with our reductions of CFCs and NO<sub>x</sub>, Norway will be able to reduce its total emissions of greenhouse gases by the turn of the century.

Clearly, the larger ecological issues, the ozone layer, global warming and the sustainable utilization of the tropical forests—are tasks facing mankind as a whole. To finance these tasks we will need additional resources.

In the White Paper, our major policy document on sustainable development, the Norwegian Government is proposing, as a starting point, that industrialized countries allocate 0.1 percent of GDP to an International Fund for the Atmosphere. Such a Fund should be created to help finance transitory measures in developing countries, and reforestation projects. Ideally, all countries should take part in this. Everyone would then make their contribution.

Much work is needed to make this proposal operational, and it will be met with considerable reluctance. But unless we establish set of international support mechanisms, chances are less that we will be able to make the transition in time.

I have presented to you the essence of "Our Common Future". To transform it into reality will require broad participation. Every single individual can make a difference. Changes are the sum of individual action based on common goals.

A particular challenge goes to youth. More than ever before, we need a new generation—today's young people who—with new energy and dedication—can turn ideas into reality.

Many of today's decision-makers have yet to realize the peril in which this earth has been placed. I believe that "Our Common Future" can be an effective lever in the hands of youth, and that it can transcend nationality, culture, ideology and race. Youth will hold their governments responsible and accountable and youth will be stalwarts for the foundation of their own future.

Many of you will continue the dialogue on global change and our common future. I want to draw your attention to another major forum to take place in November here in the United States. Organized by the Global Tomorrow Coalition with a wide spectrum of cosponsors, the Globescope Pacific Assembly in Los Angeles will feature, on the 1st and 2nd of November, the first comprehensive public hearing in the United States on the action and policy implications of the report of the World Commission on Environment and Development. The Assembly is designed to encourage discussions on the policy implications of the concept of sustainable development both in the public and in the private sector.

Leaders from government, science and technology, business, education, citizens' organizations, trade unions, churches, foundations, youth groups and media are invited to take part. I hope that many of you will choose to share in this unique initiative to which I give my full support.

In closing, let me stress the need for all of us to view environmental problems in interdisciplinary terms, not in narrow terms of specialization. The world is replete with projects that made excellent engineering sense, but were economically disastrous, or which were economically sound, but environmentally catastrophic. The global environment cannot be separated from political, economic and moral issues. Environmental concerns must permeate all decisions, from consumer choices through national budgets

to international agreements. We must learn to accept the fact that environmental considerations are part of a unified management of our planet. This is our ethical challenge. This is our practical challenge. A challenge we all must take.

#### PETE STATHAKIS: A VERY SPECIAL SOUTH CAROLINIAN

Mr. HOLLINGS. Mr. President, I had the pleasure and honor last evening of attending a dinner in honor of a dear friend, Pete Stathakis, a man who epitomizes the tireless citizen activist, who has devoted his life to expanding opportunity and diversifying the economy of Anderson County, SC.

Pete Stathakis likes to describe himself as "just a fellow who sells liquor"—which reminds me of President Kennedy during a state visit to France introducing himself around Paris as "Jaqueline Bouvier Kennedy's husband." It is a mask of modesty that does not fool anybody in Anderson. They know this man Pete Stathakis too well—as do I. We recalled, last night, the countless ways Pete has touched each of our lives.

The fact is, Pete Stathakis is a classic case of a Greek bearing gifts: the gifts of his talent, his time, his incredible energy, and—most of all—himself. In my own political career, I will never forget that Pete was a friend back when I did not have many friends—when I got my clock cleaned by Olin Johnston in 1962. Certainly, I did not have many friends here in Anderson, where Olin's brother ruled the roost. But, back then, Pete was—no pun intended—something of a Young Turk, and he put "Hollings for Senate" signs up faster than the Johnston crowd could pull them down.

Pete is Greek by ancestry, a North Carolinian by birth, and a South Carolinian by choice and by the grace of God. He specializes in lifting spirits in the Upstate—both by artificial means, and more often by his own contagious enthusiasm and energy. He came to Anderson as a 4-year-old kid in 1934, and for more than half a century has been one of those standout people who contribute a special quality and character to a place. Indeed, people like Pete define a place—at least, what is best in it. And that is especially true in Anderson, where Pete has made people believers in themselves, believers in their community and economy. That is no small achievement, and I know how proud Cleo, Alexandria, John Pete, and his whole family are of this exceptional man.

Mr. President, my State is no stranger to super-achieving Greeks. Greek-Americans are part and parcel of the South Carolina success story, whether serving as lieutenant governor, as department chairman at the Medical University in Charleston, as successful lawyers, or—as in the case of Pete

Stathakis—as champion industrial recruiters.

The key to this success is no secret. For the last 8 years, we had a President in Washington who thinks "Grecian formula" is something you slick on along with the Brylcreem. The Pete Stathakis of the world are hooked on a different "Grecian formula," the formula of family, hard work, achievement, and—most of all—public service.

Mr. President, I remember when Dwight Eisenhower was president of Columbia University. He bought a tract of land at Gettysburg and the neighboring farmer asked him, "Why'd you buy a farm down here in Gettysburg?" And Ike answered, "All my life, I've been wanting to take a piece of ground and return it to God better than when I found it." That—it strikes me—has been Pete Stathakis mission in South Carolina: to leave it better than he found it.

So, yes, Pete has his awards and plaques—1980 South Carolina Development Volunteer of the Year, and so on. But, in a larger sense, Anderson County is planted thick with monuments to Pete. You can see them on Clemson Highway, in Starr, and on Shockley Ferry Road. They do not bear his name. They bear world-famous names like Michelin and Westinghouse. And—of course—that is just the way Pete wants it.

Mr. President, I appreciate this opportunity on the floor of the U.S. Senate to salute this exceptional South Carolinian.

#### COMMENDING DR. CLINTON F. LARSON

Mr. HATCH. Mr. President, I rise to speak in commendation of the remarkable Clinton F. Larson, who has served for many years as poet-in-residence of Brigham Young University in Provo, UT. Dr. Larson has been widely praised as a poet of particular talent, as profound as he is prolific. While his subject matter is as broad as the whole range of human experience, he is especially appreciated as a uniquely Western poet, gifted with the power to evoke through the texture and text of his writing the grandeur of the land and the vision of the settlers of the American West.

He is also especially appreciated as the leading poetic voice in the Church of Jesus Christ of Latter-Day Saints. Recently, the Association for Mormon Letters honored Dr. Larson for 40 years of outstanding contributions to the literature of the Latter-Day Saints. He is truly a pioneer, accurately regarded as the father of modern Mormon poetry. Thanks in no small measure to him, Mormon literature now includes a growing body of significant works in which probing combina-

tions of candor and faith, artistic skill and commitment to the truth, challenge and deeply satisfy the searching reader.

Last year, Brigham Young University published Selected Poems of Clinton F. Larson. I highly recommend it to each of my colleagues. Clint personally gave me a copy of this slim volume, which I treasure. The table of contents itself reads like a poem. Consider these titles: "Sleeping in Church," "Mother Love," "Everybody's Getting Old," "Homestead in Idaho," "Earl's C Street Grocery," "The Magdalene," "Reading Spenser," "Pac Man: An Enormity?," "Racism," "Terrorist," "Quirky Quarks," "The Unified Field," "Alpha and Omega at the End," "To the Pharaoh-Hunter K Orion," "The Conversions of God."

Mr. President, we have just celebrated Memorial Day. At this time, it is right to recall our progenitors and defenders, those who have sacrificed their infinitely precious lives to preserve our freedom. In these times of peace and ease, let us not forget either what or why they gave. In their honor, and for the glory of the cause for which they lived and yet live, I wish to present four poems by Dr. Clinton F. Larson: "Lincoln," "General Meade of Gettysburg," "The Leaf: A Benediction," and "The Morning of the First Resurrection."

Some people are still fighting the Civil War, some the Vietnam. May these help them rest, reconciled.

There being no objection, the poems were ordered to be printed in the RECORD, as follow:

#### LINCOLN

The dense gray twilight surrounding me is a web  
Of elements hanging loose or tattering, the war's  
Last windfall. Streets of Washington are empty  
Of the ranks of soldiery, and stolid generals  
Recede into the impertinence of sleep. The war  
Was desolation of finality, the multithousand  
Corsairs of darkness vanishing into the gulf  
Of their final deployment. I, who gave commands,  
Cannot forget my inclination to remain silent.  
Now, the carriage waits, and a play's illusion  
Is minutes away. The play may entertain,  
But the shape will have a smooth, inevitable  
Effect in which the mind espouses its own repose.  
Once, whistling revenants drew my mind into war,  
And the tummult rose like heat to twist and thwart  
The vision of regiments that mulled the cause.  
Soft and winding heather and vines, rows of roses,  
And acreting wheat. If I slump, soon taken  
From orders of fiery expedience and slipping will,  
I shall rest in the piety of final peace, for war  
Subburred the touch and measure of the full devotion

Of my spirit before the prizing primordial will.

I have taken litres of the draught of fire  
And have taken litres of the draught of fire  
And have quaffed them, or I have handled a chain

By which I keep a lion down and in, though  
He stalks the perimeters of strategic war.  
The forlorn milieu of battle rehearses me  
For a play at Ford's, but the lists of fallen  
Are nailed in me like the play's advertisements

That I may wear my continence like conviction

Or the wearing will to survive. Am I still  
The attack at Gettysburg and Chancellorsville

Or the still helppcare of a nursing home?  
What comes suddenly upon me in the wilderness?

The rainist shifts and settles, and silence  
Is the closure of the desperate, wheeling attack

That hushed me intermittently as I waited  
For cannon and the lines to waver slowly forward

From my command and disappear. I wait alone.

The soldiery do not return. I stand guard,  
But hear only the crisp leaves cracking  
And the flow of the air I breathe. I feel  
The darkness. Someone's behind me, at my shoulder,

Now.

—CLINTON F. LARSON.

#### GENERAL MEADE OF GETTYSBURG

Why am I the army's command? And here?  
The field

Trespasses into the sky, and trees, in the railing

Light, move as if shaken from below. The tides

Of armament rise along a perimeter. Lincoln,

Of official Washington, sets my will to stay  
And field the revulsion of calm. A bugle cries

The solemnity of charge, and tight stars of rank

Revive my bearing into a rod of the mind's alignment.

Look! Brevet Custer wheels left against a hill.

Stannard levels his cannon. Hancock braces  
In a chamber of trees. Fires of light intercede,

Driving through smoke. In the cleft of a devil's den

A rift appears. Rows and rows of Carolingians

Pitch and fall graciously to smolder in halls  
Of lesser vision. Soldiery march sunlit and drawn

As in a sketch for a daguerreotype in the seethe

Of a thundercloud gathering heat and rolling.

The mounted slip askew, failing from sabres  
That rise and sparkle where underlings thresh

And wind in unison. The grille of white smoke

Keeps apertures of fire that reverberate  
The sounds of powdering. Why am I here in turn,

A way of being in command in avenues of holiness,

Fevering into decisions to hold here and there

Along the line? Christianly, I yield myself  
Near the rock of an angle, caisson in the rustling field,

And the cannister that puffs away, emblazoning

The shadows of my humility before the prince

Of generals on his white mount, pointing here.

I stay. I pitch and hold against his command.

I stay because the field is Gettysburg in the ring

And cavalry of Lincoln's wish, gripped as reins

Are gripped and steadied. I am the horseman with a scythe

That holds the dead that become the dead I touch

In my marrow, in the dials of silence, and in flares

That steal into the dark of my eyes. I worship

The leaping crown fire as it draws my soldiery

To mass and hold in Lincoln's vivid resolution.

#### THE LEAF, A BENEDICTION

A leaf may fall,  
Alight, and burn through eternal Fall.  
Soldier, rise into eternal Spring,  
The blue and deathless calm.

—CLINTON LARSON.

THE MORNING OF THE FIRST RESURRECTION  
The suns of topaz pearl tourmaline strontium

Agate crystal quartz, of light cerise gemming

Sunrise grain indigo and carmine stars  
East north east lining in, dispersing

To circumference and horizons round  
And stars at the elevation of sunrise

At degrees near twenty-five for the shadowless

Day and the circumference of vision and angels

Helming the spectra in. Morning is awash,  
Flowing in the icy caverns of supernal dark,

The lancets of sapphire therefrom calling  
Suns that vanquish the meridian as Polaris

Rings the vision. The final light has come  
As day. When in the tales of the millennium

Was this told candidly? Though words  
Express the edifice now that Isaiah and John

Of Revelation mount the clouds as if they were hills,

The fantasies of realities confirm theme  
And veriest hint in the surge of the dawn of glory.

Messier 81 stands away, and Andromeda wears

The Spiral Galaxy. Constellations of the Cross

Invade the spatial dark, and light is the ring  
Of gravity that drew us, always curious, in.

This majesty is the kindness of beatitude  
And the versions of the grain. Vibrations

Still awareness, fall away, tremble imperception,

And ultraviolet is newest color, timbre in sound

Of an echoing flute, far away. Mists of belief

Flow into testament. Then the circumferences

Of the suns become corona, crown, and the Lord,

As intimate as prayer, becomes the image  
Of the cruciform of stars. And He will speak

The power of the resurrection when all may follow Him.

All hallows always were of Him, now fully seen,

Wending from Gethsemane and the prayer  
of sacrifice  
Into the time of space and space of time un-  
ending.

**DR. BRUCE E. WHITAKER: A  
GREAT COLLEGE PRESIDENT  
IS CONCLUDING HIS CAREER**

Mr. HELMS. Mr. President, it is difficult to imagine that Bruce Whitaker is retiring, but after 32 years at Chowan College I suppose it is understandable that he would want to relax a bit. Yet, I doubt that he will. Bruce has always been a mover and shaker—a doer—and my hunch is that he will continue to make an enormous contribution in one way or another.

The fact is, Dr. Bruce E. Whitaker has been an inspiration as he has led that relatively small but excellent Baptist College to amazing growth and development. Chowan College is at Murfreesboro, NC, in the northeastern part of North Carolina. About half of the students attending Chowan College have been from Virginia and other States.

During Bruce's 32 years at Chowan, the college's enrollment climbed from about 300 to 950. It says more than a little about President Whitaker's ability that Chowan College has operated in the black for the past 30 years, during which period 13 major buildings, costing more than \$20 million, were built on the Chowan campus.

Mr. President, while doing all that, Dr. Whitaker has contributed his time and effort to countless other education organizations. From 1976 until 1982 he served on the board of directors of the American Association of Community and Junior Colleges. He is currently the only director on the board of the American Council on Education who represents an independent 2-year college.

Bruce is a past chairman and a current member of the North Carolina Commission for Mental Health, Mental Retardation, and Substance Abuse Services. The Whitaker School for Emotionally Disturbed Youth in Butner, NC, is named in his honor and North Carolina's Governor has lauded his dedication to the better mental health and total well-being of the youth in our State.

Mr. President, I am very proud of my friend, Bruce Whitaker, for his constant and selfless devotion to the advancement of education. But it doesn't end there: Dr. Whitaker's wife, Esther, has contributed greatly to his endeavors. Esther is currently a professor in the Department of Religion and Philosophy at Chowan College, and very much deserves our gratitude as well.

Mr. President, North Carolina and the Nation owe Dr. Whitaker and his wife immeasurable gratitude—as we do to all the other individuals around the Nation who have dedicated themselves

to providing the young people of America an opportunity for a sound education.

**SOVIET JEWISH REFUGEES—  
EMERGENCY CONSULTATIONS**

Mr. KENNEDY. Mr. President, over the past 2 months a refugee emergency has developed in the flow of refugees from the Soviet Union, particularly among Soviet Jews suddenly being allowed to leave. The number this year will nearly double last year's movement, and far exceed what we budgeted or planned for this fiscal year.

As a result, the President has exercised his authority under section 207(e) of the Refugee Act of 1980 and consulted with the Judiciary Committees on the need to admit an additional 22,500 refugees this fiscal year, as outlined in the April 5 memorandum to the committees from the U.S. Coordinator for Refugee Affairs, Mr. Jonathan Moore. I will include these materials in the RECORD at the end of my statement.

Mr. President, the United States has both a humanitarian as well as a foreign policy interest in responding to this emergency. To fail to act would not only turn our backs to our longstanding commitment to assist Soviet refugees, but to our support of the basic principle of the freedom of movement embodied in the Helsinki accords.

Therefore, the Judiciary Committees of both Houses have now consulted with the President's representatives, and concurred in his recommendations.

We have acted to authorize the admission of additional numbers and we have urged the President to resolve the many problems that have emerged in recent weeks in the processing of Soviet refugees to the United States.

We have also reaffirmed the principle, well established by the Refugee Act, that the decision to admit refugees is a Federal one and the Federal Government must bear the primary responsibility to fund the initial resettlement costs. In the pending emergency supplemental appropriations bill we will soon act to provide up to \$100 million for the overseas processing and transportation costs and initial resettlement grants. However, the issue of full funding for State and local costs remains unresolved, although all parties agree we must find new funds to support these programs—and not simply shift funds from other equally deserving and needed programs.

Finally, Mr. President, we expressed our deep concern over the problems that have suddenly emerged this past year in the processing of Soviet refugees, particularly in Rome. As we noted in our consultation with the At-

torney General, and in the letter we have addressed to the President, unnecessary obstacles have been raised in the processing and acceptance of Soviet Jewish refugees. They have created needless delays, confusion, and escalating costs in care and maintenance.

If the administration cannot adequately implement our refugee admissions program in a generous and humane fashion toward a refugee group we have long admitted, then Congress will be forced to act until and unless the Department of State and the Immigration Service can adequately implement the new case-by-case screening process.

Mr. President, as required by the Refugee Act, I am submitting for the record the substance of our consultations with the President on the further emergency admission of refugees, and ask that the text of the President's proposal, and the majority letters from the Judiciary Committees concurring in the President's recommendations, be printed in the RECORD. I would also like to include the following table prepared by our Subcommittee on Immigration and Refugee Affairs outlining the numerical distribution of refugee admissions this fiscal year, including the new emergency numbers.

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

**REFUGEE ADMISSIONS TO THE UNITED STATES (FISCAL  
YEAR 1989)**

	Current levels			Emergency request	
	Fully funded	Semi-funded <sup>1</sup>	Total	Additional amount	New total
Africa.....	2,000		2,000		2,000
East Asia (1st asylum).....	27,000		27,000	1,000	28,000
East Asia (orderly departure program).....	19,500		19,500	2,500	22,000
East Europe.....	6,500		6,500		6,500
Soviet.....	19,000	6,000	25,000	18,500	43,500
Latin America.....	3,500		3,500		3,500
Near East.....	6,500		6,500	500	7,000
Subtotal.....	84,000	6,000	90,000	22,500	112,500
Private sector initiative <sup>2</sup> .....			4,000		4,000
Grand total.....			94,000		116,500

<sup>1</sup> Only partial Government grants available to voluntary agencies.

<sup>2</sup> Voluntary agencies fund 100 percent. Numbers can go to any region.

**U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, May 26, 1989.**

The PRESIDENT,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: In accordance with Section 207(e) of P.L. 96-212, The Refugee Act of 1980, we have consulted with Attorney General Thornburgh on your request to admit this fiscal year an additional 22,500 refugees—as outlined in the April 5th memorandum to the Committee from the U.S. Coordinator for Refugee Affairs, Jonathan Moore. We hereby concur in your proposal, with the following recommendations and observations.

First, we support the increase and general allocation of the additional refugee admissions, particularly to deal with the unanticipated flow of refugees from the Soviet Union. However, in providing these additional numbers for Soviet refugees, we would expect that any numbers previously reprogrammed from the Southeast Asian Orderly Departure Program (ODP) would now be restored to the originally approved ceiling, if additional numbers for that category are necessary for ODP applicants who qualify under our refugee laws.

Second, we are concerned that these additional numbers are being proposed without the funds necessary to provide for the domestic costs involved in their resettlement. As the legislative history of The Refugee Act makes abundantly clear, the decision to admit refugees is a Federal one, and the Federal government must bear the primary responsibility to fund the initial resettlement costs.

In this case, the Department of Health and Human Services has indicated that admission of an additional 22,500 refugees this fiscal year will result in a need for an additional \$21.9 million this year and another \$16.4 million in fiscal year 1990. We strongly share the view that the current plan for obtaining these funds by reprogramming money from the cash and medical assistance account, and transferring it to the matching grant program, places an unreasonable burden upon the States and local communities. It in effect evades the Federal government's responsibility to fully fund existing resettlement programs while admitting even more refugees. We urge you to either support additional domestic funding, or to adjust refugee admissions levels in accordance with the amount of funding available.

Third, the Committee remains deeply troubled over the problems that have suddenly developed this year in the processing of Soviet refugee applicants, particularly in Rome. As reviewed during the meeting with Attorney General Thornburgh, unnecessary problems in the processing and the acceptance of persons qualifying as refugees from the Soviet Union have caused needless delays, confusion and escalating costs in care and maintenance. We would urge you to use the discretionary authorities you and the Attorney General have under existing law to improve the refugee processing system and resolve the delays, backlogs and inconsistent treatment of applicants that allegedly plague our program in Rome.

Unfortunately, in attempting to conform our processing of Soviet refugees to the same guidelines applied elsewhere, the Department of Justice and the Immigration and Naturalization Service moved forward before they were capable of doing so, and apparently before adequate plans, staff or procedures were established in Moscow or Rome. The result has been a near breakdown in what was once a generous and flexible admissions procedure for refugee applicants who have had a long history of being admitted to the United States. While we support the use of the Attorney General's parole authority for applicants that do not meet the refugee definition, we also encourage the Administration to re-examine its system of determining refugee eligibility, to ensure that those who do qualify as refugees are properly granted that status.

If the Administration cannot adequately implement a case-by-case program, or deal with the backlog of applicants in Rome, efforts will surely be made in Congress to temporarily resolve these problems through leg-

islation. To avoid such a legislative response, we urge you to resolve the processing problems that have developed in Rome over this past year.

Finally, while we support this emergency request for additional refugee admissions, we remain concerned during this time of budget constraints over the continuing trend to squeeze overseas refugee assistance programs—which help millions of refugees around the world—in order to sustain refugee resettlement in the United States for a few thousand. As the Committee noted in its September 23, 1988 letter approving this year's refugee program, we must be certain our resettlement program does not prevent our overseas assistance program from responding adequately to the life-threatening needs of refugees abroad.

With these observations and recommendations, the Committee concurs in the emergency refugee request you have proposed. Many thanks for your consideration and best wishes.

Sincerely,

JOSEPH R. BIDEN, JR.,  
Chairman.  
EDWARD M. KENNEDY,  
Chairman, Subcommittee on Immigration and Refugee Affairs.

CONGRESS OF THE UNITED STATES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, May 23, 1989.

HON. GEORGE BUSH,  
The President, The White House, Washington, DC.

DEAR MR. PRESIDENT: The House Committee on the Judiciary has completed the consultative process mandated by the Refugee Act of 1980 with regard to your proposed revised refugee admissions ceilings and allocations for FY 1989.

The Administration has proposed a revised FY 1989 ceiling of 116,500, of which 112,500 will be fully funded. We interpose no objection to the numbers and allocations as proposed, but believe that at least an additional 3,000 numbers should be made available for the Orderly Departure Program, thereby raising the FY 1989 worldwide ceiling to no less than 119,500.

We welcome the Administration's proposal to reallocate 4,000 of the 7,000 numbers transferred to the Soviet Union in December 1988. We remain convinced, however, that the full 7,000 needs to be restored and therefore urge the allocation of an additional 3,000 numbers to bring the Orderly Departure Program back to its original FY 1989 ceiling of 25,000.

Although much attention has been devoted to the Soviet refugee situation, we believe it is important to recognize also that several thousand Eastern European refugees, particularly Poles, are stranded in Western Europe and are in desperate need of resettlement. We therefore urge you to consider increasing the Eastern European allocation to accommodate additional Polish refugees. In the future, we urge that Eastern Europe be separated from the Soviet Union in the allocation of visa numbers.

Regarding Soviet refugees, we believe that the Administration's projections of anticipated flows justify raising the Soviet ceiling to the proposed 43,500. We note that the Administration proposes that 6,500 will be provided to Armenians, 7,000 to Evangelical Christians, and 30,000 to Jews. It has been our intention all along that, within the Soviet ceiling, priority would be given to

persecuted religious minorities. Therefore, we seriously question the need for 6,500 Armenian numbers, believing instead that these numbers can be better used for Jews and Evangelical Christians.

Both the House and Senate have initiated legislative efforts to ease the administrative burdens and costs of processing Soviet refugees. These measures would establish presumptions that Jews and Evangelical Christians in the Soviet Union are subject to persecution. The presumptions would not alter the case-by-case approach. Rather, they would shift the burden of fact presentation consistent with the State Department's September 1988 "World Refugee Report" which stated—

"Notwithstanding 'glasnost' and heightened promises of 'democratization,' persecution on the basis of political opinion remains a fact of life in the Soviet Union, as does persecution of certain religious and national groups. Religious activity and education remain under strict state control. Jews in particular suffer from both religious and ethnic discrimination and have only limited access to higher education and senior Government employment."

Since such presumptions can be established through administrative guidelines, and since they have in fact been used in the past, we urge you to give serious consideration to reinstating the use of such presumptions, especially in the case of Soviet Jews and Evangelical Christians.

We believe that informal discussions with Congress regarding the FY 1990 refugee ceilings should begin immediately. It is important to better synchronize the appropriation and consultation processes. We stand ready to work with the Administration to attain this goal.

It is our expectation that future consultations will commence with a formal presentation by Executive Branch officials, accompanied by a simple, inexpensively produced document that succinctly outlines the Administration's proposal. This was not the case in this instance, when no formal presentation of the Administration's position was made.

We thank Attorney General Thornburgh, Ambassador Moore and the other representatives of the Executive Branch for their cooperation and assistance during the refugee consultation process.

Sincerely,

HAMILTON FISH, JR.,  
Ranking Minority  
Member, Committee on the Judiciary.

JACK BROOKS,  
Chairman, Committee on the Judiciary.

BRUCE A. MORRISON,  
Chairman, Subcommittee on Immigration, Refugees and International Law.

U.S. COORDINATOR,  
FOR REFUGEE AFFAIRS,  
Washington, DC.

HON. EDWARD M. KENNEDY,  
Chairman, Subcommittee on Immigration, and Refugee Affairs, Committee on the Judiciary, U.S. Senate.

DEAR MR. CHAIRMAN: The President has authorized the Secretary of State, the Attorney General and me to consult with Congress about raising the FY89 refugee admis-

sions ceiling, pursuant to the emergency procedures of Section 207(b) of the Immigration and Nationality Act. I am pleased to transmit a report to Congress concerning the President's proposal to raise the FY89 admissions ceiling by 22,500 in order to accommodate increased refugee flows from the Soviet Union.

I am looking forward to communicating with you further about next steps we might take in the consultations.

Sincerely,

JONATHAN MOORE.

REPORT TO CONGRESS CONCERNING THE PRESIDENT'S PROPOSAL TO RAISE THE FISCAL YEAR 1989 REFUGEE ADMISSIONS CEILING

The President has authorized the Secretary of State, the Attorney General and the U.S. Coordinator for Refugee Affairs to consult with Congress to raise the FY 89 refugee admissions ceiling under the emergency procedures provided for in Section 207(b) of the Immigration and Nationality Act ("INA"). The following information concerning the President's proposal is provided in fulfillment of the requirements of Section 207(e) of the INA.

THE REFUGEE SITUATION, UNITED STATES FOREIGN POLICY INTERESTS

On October 5, 1988, President Reagan determined that up to 94,000 refugees could be admitted to the United States in fiscal year 1989, including up to 24,500 refugees from Eastern Europe and the Soviet Union (Presidential Determination 89-2). President Bush now proposes to determine that an unforeseen refugee emergency exists and that raising the refugee admissions ceiling for fiscal year 1989 to 116,500 to accommodate the admission of a total of 50,000 refugees from Eastern Europe and the Soviet Union.

Additional refugee admissions numbers are required because the number of Soviets being permitted to leave the Soviet Union and apply for refugee admission to the United States (primarily Jews, Pentecostals and Armenians) has increased dramatically since the FY 89 admissions ceiling was established. Today, we are receiving between 6,000 and 8,000 applications per month.

Presidential Determination 89-2 allocated 24,500 refugee numbers to Eastern Europe and the Soviet Union. Of these numbers, full federal funding was available only for 22,500; the remaining 2,000 "semi-funded" numbers were to be used when private funding was offered to cover costs ordinarily borne by the Department of State.

As an interim response to the increase in Soviet applications in the beginning of FY 89, the Reagan Administration decided in December 1988 to increase the regional ceiling for Eastern European and Soviet refugees to 31,500 by reallocating 6,500 numbers from Southeast Asia and 500 numbers from the Near East and South Asia. While 25,000 of these numbers were allocated to the Soviet Union, full federal funding was available for only 19,000. Private funding of up to 6,000 "semi-funded" numbers would help the United States continue to admit refugees to the United States without interruption.

The increased emigration from the Soviet Union is due in large part to diplomatic efforts of the Executive Branch, supported by the Congress, which have consistently called upon the Soviet Union to improve its human rights record and to liberalize its emigration policies. At present, however, there are not sufficient refugee admissions numbers authorized for FY 89 to admit all eligible Soviets who wish to come to the

United States and who are being permitted to emigrate. The Department of State has begun a policy review on Soviet emigration, to be coordinated with other federal agencies, which will address the longer-term issues, including the resource requirements for FY 90 and beyond if current rates of Soviet emigration continue or increase. Pending the outcome of this review, and subsequent discussions with Congress and other concerned parties, an upward adjustment of the refugee ceiling for FY 89 is urgently needed as an interim measure to avoid an abrupt cut-off Soviet refugee admissions and to prevent untenable backlogs from developing.

The surge in monthly Soviet refugee applications since the Presidential Determination was made is the type of "unforeseen refugee emergency" contemplated by section 207(b) of the INA. The admission of Soviet refugees in this fiscal year is both "justified by grave humanitarian concerns" and "in the national interest." It would be inconsistent with our long-standing commitment to assisting refugees from the Soviet Union and our call for improvements in the Soviet Union's human rights record not to take steps to continue admitting Soviet refugees from Rome and to alleviate the backlog in Moscow.

We cannot accommodate the increased flows within the ceilings established by Presidential Determination 89-2, as modified by the December reallocation. The numbers now authorized for Eastern Europe and the Soviet Union are being fully utilized and are almost exhausted. Further reallocation from other areas of the world is not a viable option. The situation in Southeast Asia, from which 6,500 numbers were reallocated in December, and where efforts are underway to negotiate an international refugee agreement to deter Vietnamese fleeing by boat, is such that we propose to restore 3,500 of the 6,500 reallocated numbers, returning 2,500 to the Vietnam Orderly Departure Program and 1,000 to Southeast Asia First Asylum. A large backlog of INS-approved refugees from Near East and South Asia also moves us to restore the 500 admission numbers taken from that region in the December reallocation.

NUMBER AND ALLOCATION OF REFUGEES TO BE ADMITTED

The refugee admissions ceiling for fiscal year 1989 would be raised from 94,000 to 116,500, including the 4,000 privately funded admissions authorized in Presidential Determination No. 89-2. With 112,500 numbers for which federal funding could be used, and the 4,000 restored numbers in their original regions, the regional refugee admissions ceilings would be as follows:

Africa .....	2,000
East Asia, First Asylum .....	28,000
East Asia, ODP .....	22,000
Eastern Europe/Soviet Union .....	50,000
Near East/South Asia .....	7,000
Latin America .....	3,500
Total .....	112,500

It is the Administration's intent to use 43,500 of the 50,000 numbers for Eastern Europe and the Soviet Union for Soviet refugees. Under current projections, about 30,000 would be used by Soviet Jews, about 7,000 by Soviet Pentecostals, and about 6,500 by Soviet Armenians.

CONDITIONS WITHIN THE COUNTRIES FROM WHICH THE REFUGEES COME

While recent months have seen many positive developments in Soviet human

rights and emigration practices, these continue to fall well short of the standards the Soviet Union agreed to in signing the Helsinki Final Act and, more recently, the Vienna concluding document.

Political prisoners

As far as we are aware, there are no persons imprisoned in the Soviet Union under the four political or religious articles of the Soviet criminal code. There are about 100 persons imprisoned under other articles who we have at least some reason to believe were sentenced on trumped-up charges. A US psychiatric delegation recently visited a number of psychiatric facilities in the Soviet Union. While they have not yet issued their final report, most known psychiatric prisoners appear to have been released.

Although no one has been sentenced under the four political/religious articles in several years, about 15 Armenians have been arrested under one of these articles in connection with their political activities on behalf of removing Nagorno-Karabakh region from Azerbaijan to Armenia.

While Soviet practice in recent years has been not to enforce the political/religious articles of the criminal code, they remain on the books, and, as in the Armenian example, the authorities continue to resort to trumped-up charges under the criminal code to prosecute selective political cases. Cessation of the use of the criminal code for political purposes is one of the most important steps the Soviets must take before they are in full compliance with the Helsinki Final Act.

Freedom of religion

Freedom of worship and freedom to pursue ethnic or cultural traditions is one of the areas in which some progress has been made in Soviet practice. Believers are facing fewer impediments to attending worship services. The celebration of 1000 years of Christianity in Russia and the Ukraine a year ago drew thousands of worshipers and was actively promoted by the authorities. Services have been held in several major cathedrals for the first time in decades. Worshipers are no longer routinely harassed and the restrictions on religious literature have been liberalized, although not eliminated.

Soviet Jews also have experienced improved conditions for religious and cultural expression. The law against teaching Hebrew is no longer enforced and Hebrew classes are being held openly. In Leningrad, the Karl Marx Institute is sponsoring a Hebrew class. A Jewish cultural center was recently opened in Moscow, and the possibility of opening other such centers is being discussed. A Judaic Studies Center opened this year in Moscow and is functioning as a *de facto* yeshiva.

For Christians and Jews alike, however, many difficulties remain. There are shortages of priests, rabbis, teaching facilities, kosher butchers, ritual baths, vernacular religious literature and many other elements needed for full spiritual or cultural expression.

Old hatreds still remain. The most recent example is the violence between Azerbaijani Muslims and Armenian Christians. These animosities are generally kept under control by the government but still flare up from time to time.

Anti-semitism is deeply rooted in Russian history, and one of the side-effects of glasnost has been the emergence of groups such as Pamyat, which express traditional Great Russian nationalism and anti-semitism.

Membership in these groups is small, but their rhetoric undoubtedly strikes a responsive chord in the hearts of some Russians, and increases Jewish feelings of insecurity. While the positions these groups take are frequently at odds with government policies and officially the government does not endorse or encourage their virulent anti-Semitism, their activities have been tolerated as an unavoidable consequence of glasnost.

Most importantly, none of the reforms has been codified in law. Jews still face many forms of discrimination including exclusion from schools, jobs and housing. Believers also face discrimination in the workplace and elsewhere. There is no independent judiciary to hear and resolve these issues for individuals seeking redress through the system.

#### *Pentecostals and other Evangelical Christians*

The improvements noted above, limited as they are, do not apply to Pentecostals and other evangelical Christians. Their churches are still banned; they still face possible jail sentences for exercising their beliefs, most notably that of conscientious objection, but also evangelical witnessing and holding religious meetings.

Changes not universal. The positive reforms noted above have been adopted inconsistently and vary from place to place. Old practices and discriminations still exist in many areas, whereas the greatest strides have been made in the occupied Baltic republics, and to a lesser extent in Moscow, Leningrad, and major metropolitan areas.

#### PLANS FOR MOVEMENT AND RESETTLEMENT, AND ESTIMATED COSTS

Soviet refugee applications currently are processed either in Rome or in Moscow.

#### *Vienna—Rome*

The majority of Soviet Jews and Pentecostals leave the Soviet Union via Vienna with Israeli immigrant visas. Upon arriving in Vienna, approximately 97 percent apply for refugee admission to third countries, primarily the United States. The refugee applicants are sent to Rome to be interviewed by Immigration and Naturalization Services ("INS") officers, and, if qualified, are approved for admission to the United States as refugees. The Department of State funds the transportation of Soviet refugees from Vienna to Rome and onward to the United States, and also currently covers the care and maintenance costs for the first thirty days through contributions to voluntary agencies assisting refugees in Europe. However, if supplemental funding is approved, the Department of State would provide full care and maintenance costs to Soviet refugees in Western Europe since the unexpected flows and processing constraints have imposed unsustainable financial burdens on the voluntary agencies arranging their support. The Department of State further provides an initial reception and placement grant (currently \$525) per refugee to voluntary agencies in the United States. Department of State total costs for Soviet refugees in Western Europe, including increasing reimbursement for care and maintenance expenses, would average \$2675 per refugee this fiscal year.

#### *Moscow*

Other Soviets apply for refugee admission at the U.S. Embassy in Moscow. Currently, those approved for refugee admission in Moscow themselves bear the costs of their transportation from the Soviet Union to a United States port of entry. The Depart-

ment of State funds onward transportation to their final destination, where necessary, which averages about \$300 per refugee, and makes the initial reception and placement grant for refugees approved in Moscow. Department of State costs total approximately \$825 per refugee.

Raising the admissions level from 94,000 to 116,500 (of which 4,000 will not have federal funding) has budgetary implications for the Departments of State, HHS and INS. The supplemental request which the Administration has just sent to Congress includes \$85 million to cover the State Department costs of the additional admissions. This funding is estimated to cover 28,500 additional admissions numbers, including the 6,000 previously authorized numbers which were not funded in the FY 89 State Department appropriations. Actual budgetary needs for HHS' Office of Refugee Resettlement will depend on a variety of factors, including the number of refugees in fact admitted in FY 89, the timing of those admissions, and the number of cases in need of assistance. HHS estimates that the additional FY 89 federal costs to the refugee program budget at \$21.9 million, primarily for the voluntary agency matching grant program, and \$16.4 million in FY 90. If it were necessary for HHS to absorb some or all of this amount within its current appropriations, some reductions in existing programs would occur, e.g. in the reimbursement to the states for cash and medical assistance, absent any capacity within HHS to supplement the ORR appropriations from other programs. INS has indicated a need for \$3.2 million in supplemental funds to be able to do the additional processing required under this plan.

On March 30 the U.S. Coordinator held a consultation to obtain the views of the voluntary agencies, which have responsibility for overseas processing of refugees and for the early stages of their resettlement in the U.S. The agencies were generally supportive of both the need for using the emergency provision to raise the admissions ceiling and the range of numbers presented to them (an increase of 20,000-25,000). They did, however, raise several particular issues: the need for additional numbers of Eastern Europeans, for Pentecostal Christian applicants from the Soviet Union, and for Armenians from the Near East region; the higher rate of rejection in the latest round of processing of Vietnamese Orderly Departure Program applicants; and the fear that supplemental funding for Soviet admissions might result in diminished funds for other parts of the refugee program. The Coordinator and the Department of State expressed their concerns about the agencies' capacity to maintain quality and timeliness of processing higher numbers, especially in Europe, and again encouraged them to organize privately-funded projects to support the 6,000 semi-funded numbers and the use of humanitarian parole.

#### ANTICIPATED SOCIAL, ECONOMIC AND DEMOGRAPHIC IMPACT

The Soviet Jewish and Pentecostal refugees, who are expected to utilize the great majority of the additional Soviet refugee admissions numbers, will resettle in many locations across the country and will not create any significant impact on most communities. An exception may occur in New York City, where the majority of Jewish refugees who do not have relatives elsewhere in the U.S. are resettled by the New York Association of New Americans (NYANA). New York state has recently re-

ported that the social service system is strained at this point and that an increasing number of refugees in New York City are showing up on public assistance rolls. NYANA has acknowledged that it is struggling to keep up the resource demands of the new arrivals, and attributes its difficulties in part to current funding limitations under the HHS matching grant program.

The vast majority (95%) of Soviet Armenians are resettled in a few communities of Los Angeles County, California. Most of them have little English language capability and therefore request publicly funded language training, often while being supported by the state-funded, federally reimbursed welfare system. Children usually receive language instruction in school, thereby requiring additional English-as-a-Second-Language instructors in the public schools they attend. While this group does not access public assistance or other social services at a rate higher than other refugees in California, their concentration in Los Angeles along with other large numbers of refugees will create additional pressures there.

The Coordinator also consulted with twenty-five representatives of state and local governments at a March 31 meeting. While generally recognizing the need for some increase in admissions, they pressed for a commensurate increase in domestic funding for the Department of Health and Human Services, and asked for detailed answers on what shape it might take, time frames, the proportion of offsets to new funding that might be involved, and the consequences for the FY 90 budget. They also asserted that it seemed the Federal Government was relying too much on the success of the Matching Grant program in its calculations of domestic need for both welfare and social services funding, pointing to recent surveys which showed that almost half of the refugees who had been in Matching Grant programs in New York state were found to be using welfare. The state and local representatives also voiced concerns about the effect of increased parole and regular immigration admissions, for which no domestic benefits are provided, on their financial ability to provide adequate resettlement support.

#### EXTENT TO WHICH OTHER COUNTRIES WILL ASSIST IN RESETTLEMENT

A basic tenet of the U.S. refugee policy is burden sharing, both in regard to refugee admissions and assistance in first asylum countries. Both on the multilateral level through the UNHCR and at the bilateral level with key resettlement countries, the U.S. promotes the importance of expanding opportunities for third country resettlement.

Israel currently resettles approximately 5% of the Soviet Jews granted exit permission by the Soviet Union. The United States resettles most of the rest. Australia and Canada resettle small numbers of Soviet Jews and Pentacostals. The United States is the only country resettling Soviet Armenians in any significant numbers. West Germany resettles virtually all Soviet refugees of German ethnic origin; 47,000 Soviet ethnic Germans emigrated there in calendar year 1988.

APRIL 5, 1989.

JOHN C. DUGAN

Mr. RIEGLE, Mr. President, earlier this month, John C. Dugan left the

staff of the Senate Banking, Housing, and Urban Affairs Committee to join the Treasury Department as Deputy Assistant Secretary for Financial Institutions Policy.

Senator GARN has already paid tribute to John's work as the Republican general counsel of the committee from June 16, 1987, to May 3, 1989, and before that as counsel to the committee since December 12, 1985, but I, too, want to express my appreciation to John for the job he has done and the contribution he has made involving the work of the committee.

From my recent experience as chairman of the Senate Banking Committee, I can personally testify to the contribution John made to ensuring passage of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 in the Senate. Without his insight, intelligence, and ability to work collaboratively with others, the Senate could not have moved as rapidly or proceeded in as bipartisan a fashion as we have. If John's track record as a staff member in the Senate is any indication of his future at the Treasury, it is clear that the administration and the Secretary of the Treasury have chosen well and will be ably served by his counsel.

We will miss John and I wish him great happiness and much success.

The PRESIDING OFFICER. The Chair wishes to inform the Members that under the previous order, the time for morning business will extend until 3:30 p.m.

The Chair recognizes the Senator from Pennsylvania.

#### A LEGISLATIVE GIANT— SENATOR CLAUDE PEPPER

Mr. SPECTER. I thank the Chair. Mr. President, it may be possible to extend the time for morning business if that need arises. I shall be relatively brief, but I would like to make a few comments.

I would first like to associate myself with the comments made by the distinguished Senator from Florida, Senator GRAHAM, about his predecessor, Senator PEPPER. Senator PEPPER was a legislative giant, and for the reasons which Senator GRAHAM has articulated, perhaps especially for his standing up in 1930 in support of the wife of President Hoover in refusing to support a resolution where he took such an unpopular position in the State of Florida.

What I found so remarkable about Senator PEPPER's record was his resiliency, his tenacity, and his fighting spirit, coming back again and again. He was in the State legislature in Florida; he was defeated in principle, returned and ran again. He then is elected to the U.S. Senate after being appointed to fill an unexpired term and defeated after serving two terms. He

again comes back and runs for the Senate and is defeated. He comes back yet again and runs for the House and becomes a towering figure in American history.

His contribution on the 1983 legislation on Social Security was herculean. I think he was indispensable to put that compromise together because when CLAUDE PEPPER said aye, the senior citizens of America were confident, and that compromise was put together.

I had occasion to work with him just about 2 years ago when he came to Philadelphia, on July 17 for the anniversary of 200 years where the Constitutional Convention formed two branches of the U.S. Congress. He was peppy, he was full of fun, he was full of vigor, he was enjoying himself, and he was particularly to the hilt. It is a great life.

I join my colleagues in commemorating his passing. He was really a great American, a great Senator, and a great Member of the House.

#### THE NORTH ATLANTIC ASSEMBLY

Mr. SPECTER. Mr. President, I would like to comment briefly this afternoon on the meeting of the North Atlantic Assembly, which was just concluded during the course of the past recess, attended by Senator ROTH, Senator PRESSLER, and myself from the U.S. Senate. Also in attendance were delegations from the House of Representatives, one headed by Congressman FASCELL, and another headed by Congresswoman SCHROEDER.

This North Atlantic Assembly meeting held in Antalya, Turkey, was a very significant meeting, especially since it was contemporaneous with the meeting of the North Atlantic Assembly executives in Brussels.

I compliment our President for his accomplishments in Brussels, where he has, over the objections of the West Germans and others, reached a compromise position, established a principle that short-range nuclear would not be eliminated, and also worked out a compromise to reestablish the resiliency in the alliance of the North Atlantic Assembly, which is very important for the freedom of the Western World and the defense of the Western World.

Mr. President, there is a corresponding organization of parliamentarians from the 16 NATO nations, and I have attended those meetings with some frequency since coming to the Senate. I attended this one because of my interest in a number of subjects which were on the agenda there. A few of the events, I think, are worthy of brief reporting to the Senate, to the House, and to those who may read the CONGRESSIONAL RECORD.

The first is the position taken by the United States delegation that the West German position to eliminate short-range nuclear arms should be rejected because it was a change in position. Reliance is the most important ingredient of the alliance. If we cannot rely upon the NATO nations, then the alliance is really meaningless.

There were many at the NATO assembly meeting where the thought was to eliminate short range entirely and go to the so-called third zero. Our delegation, the United States delegation, made the point that if we took that principle and went to a fourth zero, that is to eliminate strategic nuclear weapons, then the free world would certainly be imperiled because while NATO takes pride in having been a deterrent force in Europe, certainly it is the fact of United States nuclear forces which has been the real deterrent to stop Soviet aggression.

When this point was made, our NATO colleagues rethought the issue, I believe, and understood that if you eliminated nuclear totally, and if the United States went to the elimination of nuclear, that their own freedom would be in jeopardy.

When one delegate from Denmark made the comment that his country wanted to zero out short range because Denmark was within range of the short-range nuclear missiles, our delegation pointed out that everyone in the world, including the United States, is within range of nuclear, be it short range or strategic long range. If you are hit by a nuclear bomb, it does not really matter if it is short range or long range and that the nuclear deterrent is a very, very important factor.

Mr. President, one other issue which I raised involved the concept of the international court to deal with terrorism and drug addiction.

Mr. President, I pointed out that the Senate enacted a resolution in 1986 calling on the President to negotiate for an international court to deal with terrorism, and in 1988 on the drug bill, called for an international court to deal with drug problems.

I will not go into any length now to amplify the reasons, but I stated reasons which this Senator has articulated on the floor when those two resolutions which I introduced were adopted and how it would be effective to establish this international court. I am pleased to report without going into any detail that the concept was warmly greeted by quite a number of our friends, especially on the so-called Devon Island concept, where we would have an international custodian on an island where countries like West Germany, while prosecuting someone like Hamadei, could not be held hostage or West Germans taken hostage in Lebanon.

Mr. President, I ask unanimous consent that the text of my presentation on the final day of the North Atlantic Assembly be printed in the RECORD.

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

REMARKS OF SENATOR ARLEN SPECTER AT THE CONCLUDING SESSION OF THE NORTH ATLANTIC ASSEMBLY, MAY 29, 1989

I congratulate our Turkish hosts for their superb hospitality at this spectacular location in Antalya, Turkey.

I commend the President of the North Atlantic Assembly, Mr. Patrick Duffy, for his excellent job of presiding at this conference. When this concluding session began this morning and there were 27 speakers listed, I wondered how President Duffy could finish at the appointed hour, but he has arranged to do just that.

President Patrick Duffy has done such an outstanding job here at Antalya that we should dispatch him to preside at the NATO Executive session in Brussels where there appears to be sharp controversy on the subject of short range nuclear weapons and the prospective timetable for negotiations with the Soviet Union. With the efficiency that Patrick Duffy has demonstrated at these meetings, he would probably be able to solve all the controversy and bring rapid agreement among President Bush, Prime Minister Thatcher, Chancellor Kohl, President Mitterrand and others.

Although I have spoken with some frequency at conference and political meetings, I must say this is the first time that I have ever been 27th on the list of speakers.

This program reminds me of a time in Pennsylvania when I spoke last and the event went on and on and on and I spoke shortly after midnight and only one person remained in the hall. I began my speech by thanking him profusely for staying to hear me out and he said, "Don't think a thing about it, I'm the next speaker." So when I see my colleagues here today at the end of this long session, I know that you do not all expect to speak before the session ends.

I would like to sound two notes if I may—a note of caution and a note of optimism. First the note of caution. In the United States Senate in the Defense Subcommittee of the Appropriations Committee where we decide how to spend our budget of \$305 billion we began this year with a review of the Soviet position—where Mr. Gorbachev stands, where his predecessors have stood and where Soviet policy may stand in the future.

We are very hopeful that Mr. Gorbachev will succeed, but we noted that he has been on the scene for only four years. We are optimistic about his motives; but not sure even there. We are less sure as to his tenure. When we have reviewed in the Defense Subcommittee the levels of Soviet strength, their current expenditures and their current positioning, we are still very, very worried and do not propose to cut back on our defense expenditures.

I was very interested in the remark by Mr. Haekkerup of Denmark who commented that his country is within range of Soviet short range missiles. I would point out that we are all within the range of Soviet missiles, long strategic range or short range. If you are struck by a nuclear missile I do not think it makes a whole lot of difference whether it is a long range or a short range missile. There is talk here about zero for SNR. What would NATO say to zero for all

strategic nuclear missiles? What would the response be of the Western Alliances to freedom-loving people of the world if we were to eliminate all strategic missiles? Again and again in the course of the debates, we compliment NATO for success in terms of having deterred war. But I wonder if the larger deterrence is not the large stockpile of nuclear weapons in the United States or the mutual assured doctrine generally. If we go to a third zero as some have urged is a fourth zero far behind?

That brings me to a comment about President or General Secretary Gorbachev. He has so many titles now we have to wonder in an era of democratization in the Soviet Union with Glasnost and Perestroika, why there is so much more of a concentration of power in the hands of a single man. From this podium there has been the recurrent theme that the West has won the war of the economic systems and the West has won the war of the political systems; but Mr. Gorbachev has won the propaganda war where he is beating us very, very decisively.

And that, my colleagues, brings up the concern that perhaps we should spend more time in emphatic tones telling our constituencies and the people of the world that it is not Mr. Gorbachev who has the standing to tout openness and democracy, but it is the Western countries who have that standing.

I had occasion last year to visit Hungary. When I talked to the Hungarian leaders, I heard them talk proudly about productivity and incentives and a free market. I made the obvious comment that "This country sounds like it is operating more on Adam Smith than on Karl Marx." And the remarkable thing was not that it was operating more on Adam Smith than on Karl Marx, but that my Hungarian Communist hosts were complimented by that comment. So, as my brief remarks draw to a close, and I wish our President, Patrick Duffy, to remain on schedule, I would urge my colleagues to note our accomplishments, but to be more resolute in speaking out on the success of our system. When the Chinese students rise up in Beijing and they look for a symbol to put in front of the leaders of the Communist regime there, they choose the Statue of Liberty from the United States and not some symbol from Soviet Russia.

Mr. SPECTER. I thank the Chair and yield back the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

#### EXTENSION OF MORNING BUSINESS

Mr. DURENBERGER. Mr. President, on behalf of the majority leader, I ask unanimous consent that the time for morning business be extended to not beyond 3:50 p.m., under the same conditions as previously stated.

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

The Senator from Montana is recognized.

Mr. BURNS. I thank the Chair. (The remarks of Mr. BURNS pertaining to the introduction of S. 1087 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### ENHANCED RESCISSION AUTHORITY

Mr. BOSCHWITZ. Mr. President, although the President of the United States often gets blamed for deficits, those who understand the budget process know that Congress holds the real power over Federal spending. Congress controls the level of funding for every program. Congress enacts a budget. The budget is not something that the President signs, and therefore it is not something that the President can veto. The President simply does not approve the budget that the Congress passes. Congress shields the budget from special interest spending in huge appropriations bills—appropriations bills that often come here and are a thousand pages long which the President must either sign in its entirety or veto in its entirety.

Many items in these appropriations bills are legitimate. This year's supplemental appropriation bill, for instance, includes some very vital funding for veterans' medical care. But the President can separate these items from things like weed research or sonar catfish counters. He either has to veto the entire bill, as I said, or accept all the unwanted provisions. From Thomas Jefferson to Richard Nixon, Presidents had impoundment authority which gave them authority to impound funds and prevent spending that they deemed wasteful. When Presidents lost that power, they lost one of their most effective tools to control congressional spending and bring the budget into balance. If we want to control spending, we have to restore some form of that balance of power to the President. The balance process is too much in control of the Congress. We need to strengthen the President's hand in the business of balancing the budget. The best way to restore that balance is to give the President what we call enhanced rescission authority, a form of the line-item veto but somewhat different. This simple but far-reaching change would enable the President to reduce wasteful spending and it would lead to streamlined legislation in addition. And it would reduce the growth in Federal spending.

It is clear that the President cannot effectively challenge special interest spending by Congress. In 1988, Congress earmarked \$2 billion in special projects that the President did not request. Over the life of the projects, that amount will grow to almost \$7 billion.

Scattered across the Federal Government are such important priorities as \$3 million for leafy spurge and spotted knapweed control, \$5 million for Ted Turner's Goodwill Games, \$5 million for portable sonar the Coast Guard does not need, and \$376,000 to

build a private underwater laboratory in Key Largo, FL.

The list of those kinds of items goes on and on, and, of course, were memorialized here by Senator Proxmire when he was on the floor with his monthly award, which he called the "Golden Fleece."

Enhanced rescission authority would allow the President to get at this kind of spending. Under legislation I am co-sponsoring, the President would notify Congress, after approving a bill, of the funds within that bill he intends to rescind or cancel.

To stop the rescission, Congress would have to adopt a bill within 10 days of being informed by the President, requiring the President to spend the money despite the President's reservations. Otherwise, the spending would not take place.

The key to enhanced rescission is that it requires Congress to vote in order to spend money. Currently, Congress can ignore a President's rescission request and require him to spend the money by doing nothing. In President Reagan's second term, not one of his rescission requests even received a recorded vote. From 1983 to 1987, Congress approved less than 2 percent of the funds that President Reagan requested be rescinded.

Some have criticized the line-item veto or enhanced rescission by saying it could only save 1 or 2 percent in spending.

I would start by saying that \$10 or \$20 billion is not small change, even for the Federal Government. But this assessment misses one of the most important effects of this tool, a side which I think would be more than 1 or 2 percent.

But there is another aspect to enhanced rescission that is important. If you have enhanced rescission as a check on Senators and Congressmen who want to fund some local projects, much of the work of Congress would never have to get done. That is we simply would not have all of those requests, and that would be a very good thing indeed.

The PRESIDING OFFICER. Under the previous order, the time allocated to the Senator has expired.

Mr. BOSCHWITZ. May I ask unanimous consent for another 90 seconds?

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

Mr. BOSCHWITZ. What we would see happen in the Congress is a dramatic drop in the special interest spending, and special interest type of legislation. Now a large bill goes through, and every one of us tries to lay on a rider, or an amendment to benefit our State, and we must do that. With the enhanced rescission provisions the opportunity for that or the incentive for that would be removed and the work of the Congress very materially simplified.

Furthermore, if every lobbying group realized that they could no longer get a piece of the action, we might reduce the horde of lobbyists that overrun Capitol Hill as well. The threat of a rescission would force Congress to pass bills that were shorter and more substantive.

The work of committees would be far, far simpler. The demand for more and more staff would be stemmed. A lot of the logrolling in Congress, where votes are often bought through some extra spending for a particular Member, would not take place under the threat of rescission. In addition, this important change would leave Congress would more time for its important oversight responsibilities.

Enhanced rescission could streamline the whole legislative process and substantially improve the bills Congress passes.

Finally, enhanced rescission will slow the growth in Federal spending. A study by Jim Miller and Mark Crain looked at the 10 States that gave their Governors a line-item veto authority similar to enhanced rescission. They found this tool packed quite a wallop.

Between 1987 and 1988, State spending increased 3.3 percent in real, per capita spending for each 2-year cycle. States whose Governors did not have authority like enhanced rescission watched spending grow by 4 percent. Those whose Governors had that authority held the increase to 1.3 percent, a full 2.7-percent reduction.

If we gave the President the authority these Governors already have, we'd see similar savings in the Federal budget.

Enhanced rescission is one of the most important steps we can take to reestablish fiscal responsibility and restore America's confidence in the Federal budget process. I look forward to an early vote on this important provision.

I yield the floor.

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

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

The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair.

(The remarks of Mr. Exon pertaining to the introduction of S. 1088 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. Is there any other Senator desiring recognition at this point?

Mr. EXON. 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. 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.

#### UNANIMOUS-CONSENT AGREEMENT—S. 593

Mr. MITCHELL. Mr. President, I ask unanimous consent that the majority leader, after consultation with the minority leader, may turn to the consideration of S. 593, the TV violence antitrust exemption bill. I further ask unanimous consent that when the Senate considers this bill it be under the following time limitation: 40 minutes on the bill and the committee amendments, to be equally divided between Senators SIMON and HELMS; that the only other amendment to be in order be an amendment by Senator HELMS relating to the limiting of explicit sex on television, the time for which would come out of the bill's time; that no motion to recommit be in order; that the agreement be in the usual form; and that immediately upon the expiration or yielding back of time and the disposition of the amendments, the Senate proceed, without any intervening action, to vote on final passage of the bill, as amended, if amended.

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

#### EXEMPTION OF CERTAIN ACTIVITIES FROM ANTITRUST LAWS

Mr. MITCHELL. Mr. President, having previously consulted with the distinguished minority leader, I now ask unanimous consent that the Senate turn to the consideration of S. 593.

If I may add, Mr. President, before that consent request is acted upon, if it is approved, as I expect that it will be, that means we will be voting on this bill just prior to 5 p.m. and that there will be at least two votes that occur at approximately that time, either in connection with this bill alone or in connection with this bill and another resolution. So Senators should be aware that beginning around 5 p.m. this evening there will be two rollcall votes.

Now, Mr. President, I renew my unanimous consent request that the

Senate now turn to the consideration of S. 593.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 593) to exempt certain activities from provisions of the antitrust laws.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

S. 593

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) actions specified in section 2 shall be exempt from the antitrust laws of the United States.*

(b) For purposes of this Act—

(1) "antitrust laws" has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12), and shall also include section 5 of the Federal Trade Commission Act (15 U.S.C. 45);

(2) "person in the television industry" means a television network, any entity which produces programming for television distribution, including theatrical motion pictures, the National Cable Television Association, the Association of Independent Television Stations, Inc., the National Association of Broadcasters, the Motion Picture Association of America, and each of the networks' affiliate organizations, and shall include any individual acting on behalf of such person; and

(3) "telecast" means any program broadcast by a television station or transmitted by a cable television system.

SEC. 2. The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the television industry for the purpose of, and limited to developing and disseminating voluntary guidelines designed to: **[(1)]** *alleviate the negative impact of violence in telecast material, [or (2) alleviate the negative impact of illegal drug use in telecast.]*

SEC. 3. (a) The exemption provided in section 2 shall not apply to any joint discussion, consideration, review, action, or agreement which results in a boycott of any person.

(b) The exemption provided in section 2 shall apply only to activities conducted within 36 months after the date of enactment of this Act.

SEC. 4. This Act may be cited as the "Television Violence Act".

Mr. SIMON. Mr. President, I yield myself such time as I may consume.

I would like to tell my colleagues how I became involved in this issue. It happened to check into a motel room, as you and I and other Members of this body do frequently, and I turned on the television. All of a sudden in front of me, in living color, someone was being sawed in half by a chain saw. I am old enough to know it was

not real, but it bothered me that night.

I came back to Washington and I asked my staff to find any studies that might have been done on how violence on television affects 10- to 12-year-olds. It turned out there are nearly a thousand studies on televised violence, including about 85 very substantial studies. And the results are virtually unanimous, that we are really doing harm to our society.

Because I do not believe in Government censorship, I called the leaders of the television industry to my office and I said, "I don't want censorship, but I think we have to recognize we have a problem, and I would like you to do something about it voluntarily."

One of the network people in that meeting said:

We have a study that shows that television violence does not do any harm in our society.

I told them that they reminded me of the Tobacco Institute people who come into my office and say, we have research that shows that cigarettes do not do any harm.

We can no longer question the fact that televised violence causes harm in our society. The National Institute of Mental Health has said we have a problem. The Surgeon General of the United States has twice warned us that we have a problem. The American Academy of Pediatrics has warned us that we have a problem. The American Psychiatric Association, the American Psychological Association, the American Medical Association, the PTA—the list goes on.

The industry representative also told me that they couldn't get together to establish standards because it would violate antitrust laws. My answer was simply, let's get you an exemption from the antitrust laws so you can establish standards.

As a former journalist, I'm particularly concerned about protecting the rights guaranteed by the First Amendment. I contacted some of my friends in the civil liberties field to assure myself that the bill wouldn't create constitutional problems.

They included Elmer Gertz, the leading civil libertarian in the State of Illinois, Professor Paul Gewirtz of Yale University Law School, and Professor Cass Sunstein of the Law School at the University of Chicago. They all told me they saw no civil liberties problems with this legislation.

So what my bill does, very simply, is grant an exemption from the antitrust laws so the various sectors of the television industry can get together and establish voluntary standards on the subject of televised violence.

This bill does not mandate any action by the industry. It does permit the industry to act together on this serious problem without having to worry about antitrust suits. I hope the indus-

try will take advantage of the opportunity we are giving it. I urge them to take advantage of it.

This bill has passed the Senate twice. The House did not act on either occasion. I think this was due, at least in part, to the efforts of the industry.

I am pleased to say that this year there is a gradual shifting on the part of the industry. For example, the Association of Independent Television Stations endorsed the bill for the first time.

Some may say, why would the television industry be opposed to this? The answer, I regret to say, is a very simple one: violence on television pays. It is cheaper to attract viewers by having violence than by being more creative and being more responsible. But if we permit them to get together and they establish standards, then no one is going to have an edge over someone else on the amount of violence that appears on our television screens.

So my hope, Mr. President, is that we can pass this, and pass this quickly, and do a real service to the Nation.

Mr. KOHL. Mr. President, I want to commend the distinguished gentleman from Illinois [Mr. SIMON] for authoring this important legislation. I also want to say it was a pleasure to work with Senator HEFLIN and Senator DECONCINI on an amendment—added in committee—that I believe will help the television industry raise its powerful voice against illegal drugs.

For better or for worse, television is a major influence in our lives and our children's lives. More than 96 percent of American homes have at least one television set. The average youngster spends more time watching TV than in the classroom. Given the vast exposure of children to television, it's appropriate that we examine the consequences.

Unfortunately, the evidence strongly suggests that television violence has a harmful effect on viewers' attitudes and behavior. Studies of TV violence have been conducted by the National Institute of Mental Health, the American Psychological Association, and the Surgeon General of the United States, among others. All have documented a causal link between TV violence, on the one hand, and aggressive and destructive behavior, on the other. The sad truth is that this linkage affects our children more than anyone else.

I applaud the television industry for its efforts in fighting the drug scourge. But I believe that television's occasional glamorization of drug use, like its depictions of violence, may have harmful consequences for our youth.

Broadcasters are justifiably reluctant to take joint action to curb these problems because of possible antitrust liability. Moreover, any attempt by the Federal Government to restrict the content of television programming

would raise serious first amendment concerns.

But while there is no easy answer, I believe that the television violence act, as amended, would help broadcasters move toward their own solution. The bill would provide a narrowly drawn antitrust exemption to the television industry which would permit it to discuss and develop guidelines on television violence and illegal drug use. The measure, which does not prescribe what the voluntary guidelines should contain, also includes a 3-year sunset provision.

Our bill would simply place the responsibility for regulation where it ought to rest—on the shoulders of public-spirited broadcasters, cable operators, and producers. It would untie the broadcasting industry's hands so that it could help eliminate the harmful effects of violence and drug use on television.

Mr. HELMS. Mr. President, I fully agree with everything the distinguished Senator from Illinois said, and I commend him for taking the leadership on this bill, of which I am happy to be a cosponsor. As the Senator knows, I am going to offer an amendment to which he has no objection, on behalf of myself and Senator THURMOND.

First, let us address the issue of violence on television. It has steadily increased over the years, despite numerous studies which show that TV violence has a remarkably negative impact on children. The bill now pending will allow the television industry to get together and promulgate voluntary guidelines regarding violence on television without fear of violating antitrust laws. I might say to my friend from Illinois, that prior to running for the Senate in 1972, I made my living in the television business. Time and time again, I would refuse to accept scheduled network programming. We had a policy at our station to preview any suspect program, and on a number of occasions, we would not allow the use of our facilities to transmit that trash to the people in our viewing audience, which numbered about 2 million.

We received some protests, maybe four or five. But the majority of the people, in the hundreds upon hundreds, let us know that they appreciated what we were doing.

This is what the Senator and those of us who are cosponsoring this bill have in mind for the television industry to do voluntarily—to take a look at violence and other aspects of television. I commend the Senator, and I am delighted to be a cosponsor with my neighbor on the fourth floor of the Dirksen building.

Mr. President, it is obvious that if the television industry is going to promulgate guidelines for violence—and I think they should—then the television

industry should certainly consider guidelines for sexually explicit material which is flooding the television airwaves today. The amendment that I am going to offer momentarily adds sexually explicit material as another issue for which guidelines should be promulgated. I would advise our friends in the television industry to take this seriously. Because if they do not, we will be back. Either they are going to act responsibly on their own, or we will attempt to persuade them to act responsibly by whatever means may be necessary.

The amendment that I am about to offer is necessary in light of the recent deluge of explicitly sexual material on television. Let me say Mr. President, that I have been around the track a few times. I served 4 years in the Navy. I have seen a lot and I have heard a lot. But there have been many occasions in recent months when I have been watching television with Mrs. Helms, and I was embarrassed to be in the same room with her when the offerings of modern television came on the screen.

Other Americans, by the millions, feel the same way. Somewhere we have to draw the line. Even Planned Parenthood—and I emphasize even Planned Parenthood—conducted a study recently which revealed that the television networks broadcast 65,000 references to sexual conduct in one season—65,000 Mr. President. According to my calculation, this is 27 references per hour. I am sure that many of those references were done in what the networks may consider good taste. But the networks should take a look at it and see which are and which are not in good taste.

Do we want some examples, Mr. President? Let me give one. There was a scene in a movie called *Favorite Son* shown during prime time this past November on one of the networks. The scene depicted a young woman in bikini underclothes seducing a young man. She then asked him to tie her to the bed.

This is great family entertainment, Mr. President, bondage on prime time. That is how far they are going.

Another example is the prime time sitcom which showed a young woman in her underclothes from the back removing her bra. She then asked a stranger if he thought her boyfriend would like her better without her bra. This program prompted a fine young woman named Terry Rakolta to complain to the sponsors of the show.

I do not know whether the Senator from Illinois has heard of Mrs. Rakolta or not, but she has been a one-woman crusade against this kind of trash on television. She has a lot of sponsors worried, and praise the Lord for her.

Mrs. Rakolta said:

I don't want my 8-year-old girl to think that the only way for her to impress men is for her to take off her clothes.

Mrs. Rakolta has done a tremendous job raising the American people's awareness of the problem sexually explicit material on television.

Obviously the networks have gone too far. Prime time has degenerated into sleaze time and the American people are fed up.

Mr. President, that is not just my opinion. A recent Gallup poll showed that 58 percent of adults, either frequently or occasionally, feel uncomfortable about the contents of the television programs they watch with their children. They most often object to sexually-explicit material. More so than violent programs—46 to 37 percent.

In any case, there is clear evidence that the American people feel that something must be done to reduce the level of this kind of material on television along with violence.

I ask unanimous consent, Mr. President, that the text of the Gallup poll 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. Mr. President, the airwaves belong to the public, and television networks are supposed to act in the public interest. Too often networks and the stations go for the bottom line—the dollar—often in conscious disregard to their responsibility to the public.

There are 42 million children in America, most of whom watch television daily. In fact, the average child watches approximately 30 hours of television a week. This flood of sex and violence is influencing our children and molding their behavior. How can they not have the impression that such activity is the norm?

Mr. President, studies show that television influences our children and it can have a harmful effect. Back in 1972, the Surgeon General's report concluded, "We know children imitate and learn from everything they see \*\*\* it would be extraordinary, indeed, if they did not imitate and learn from what they see on television."

Another researcher stated that "television entertainment is saturated with sexual lessons which are likely to have an impact on young viewers' sexual development."

I could cite many other studies which come to the same conclusion, but I think I made the point: We are raising a generation of children that are desensitized to violence and killing and who assume that sexual promiscuity and profanity are acceptable forms of behavior. The escalation of this kind of material on television is un-

questionably contributing to the decline of traditional family values.

I will close by saying this—I do not claim to be any better than anybody else, certainly no more moral, but all of us have an obligation to stand up and fight for the preservation of family values. We become a part of what we condone, and if we remain silent, we become accomplices to the pollution of the minds of our children and the degeneration of our society.

Mr. President, we desperately need guidelines to reduce the level of sex and violence on television. If the networks do not voluntarily adopt guidelines, it will be difficult to keep the Government from coming in and doing the job for them—especially since the minds and morals of our children are at stake.

EXHIBIT 1

PARENTS DISTURBED BY TV CONTENT; MOST SEE GROWTH IN PROBLEMS

(By George Gallup, Jr.)

PRINCETON, N.J.—Six in 10 parents who watch television with their children at least occasionally feel uncomfortable about the content of the programs they see. Sex and violence are the principal causes of distress, which parents react to by switching channels or turning off their sets.

A recent Gallup study of TV viewing also found a majority of parents feeling objectionable programming is more prevalent now than it was a year ago.

The sensitive issue of program content was given new prominence last month when a front-page article in the New York Times described a Michigan housewife's campaign to curb sex and violence on TV. Her letters of compliant reportedly convinced some major advertisers to remove their commercials from a popular TV show because of its sexually-oriented content.

Parents watch an average of 7.5 TV shows each week with their children under 18, the survey reveals. The incidence of parent-child viewing is higher among women (7.9 programs) than men (6.9). Heavier viewing also is reported by parents whose formal education ended at the high school level (9.1), those with annual family incomes of less than \$25,000 (9.5), and parents of school-age children (8.0).

About six parents in 10 (58%) either frequently (25%) or occasionally (33%) feel uncomfortable about the contents of the TV programs they watch with their children. Only one in six (17%) is never troubled while 25% seldom are.

Discomfort over program content tends to be slightly higher among heavier viewers; women, the less-educated and less-affluent, and parents of 6-to-17-year-old children.

Parents who sometimes feel uncomfortable about the shows they watch with their children most often object to sexually explicit suggestive episodes (46%), violence (37%), and obscene language or swearing (17%).

Their most common reactions to subject matter they consider objectionable are turning to a different program or channel (46%), turning the set off (24%), or telling their children what should have been said or done (11%). Other responses cited are refusing to allow their children to watch the program in the future (5%) and expressing their disapproval (4%).

PROBLEM SEEN GROWING

More than half of parents who are uneasy about the TV programs they watch with their children think these occurrences are either much more frequent (17%) or somewhat more frequent (38%) than a year ago; 14% feel they are about the same. Only three in 10 believe there now is somewhat less (21%) or much less (9%) objectionable programming.

Following are the questions and key findings:

*On the average about how many television programs do you watch with your children each week?*

TV VIEWING WITH CHILDREN

	Average
Nationwide.....	7.5
Men.....	6.9
Women.....	7.9
18-29 years.....	7.6
30 and older.....	7.3
Attended college.....	5.5
No college.....	9.1
\$25,000 and over.....	6.8
Under \$25,000.....	9.5
Children's age:	
Under 6.....	7.1
6-12.....	7.9
13-17.....	8.0

Parents who watch with their children (83% of parents with children under 18 living at home) were asked:

*About how often would you say you feel uncomfortable about something in a television program that you are watching with your children? Would you say you frequently, occasionally, seldom or never feel uncomfortable?*

FREQUENCY OF DISCOMFORT CAUSED BY TV

	Percent
Frequently.....	25
Occasionally.....	33
Seldom.....	25
Never.....	17
Total.....	100

*What would you say is most likely to make you feel uncomfortable?*

CAUSES OF DISCOMFORT

	Percent
Sex.....	46
Violence.....	37
Bad language.....	17
Other.....	6
Not sure.....	2
Total.....	108

<sup>1</sup>Adds to more than 100% due to multiple responses.

*If you feel uncomfortable about something on a television program you are watching with your children, what, if anything, do you usually do about it?*

ACTIONS TAKEN

	Percent
Switch channel, program.....	46
Turn TV off.....	24
Explain to children.....	11
Ban future viewing.....	5
Express disapproval.....	4
Other.....	6
Nothing, not sure.....	8
Total.....	104

<sup>1</sup>Adds to more than 100% due to multiple responses.

*Compared to one year ago, how frequently would you say you feel uncomfortable with the television programs you watch with your children?*

TREND IN DISCOMFORT CAUSED BY TV CONTENT

	Percent
Much more frequently.....	17
Somewhat more frequently.....	38
About the same.....	14
Somewhat less frequently.....	21
Much less frequently.....	9
Not sure.....	1
Total.....	100

The findings are based on telephone interviews with 424 parents of children under 18, out of a total sample of 1,008 adults, 18 and older. The survey was conducted nationwide between Nov. 14 and Dec. 4, 1988 for The CBN Family Channel by The Gallup Organization. For results based on the subsample of parents, one can say with 95% confidence that the error attributable to sampling error and other random effects could be 5 percentage points in either direction.

In addition to sampling error, question wording and practical difficulties in conducting surveys can introduce error or bias into the findings of opinion polls. *This report conforms to the standards of disclosure of the National Council on Public Polls.*

Mr. HELMS. Mr. President, I suggest that we proceed with the first committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

The first committee amendment was agreed to.

Mr. HELMS. Now the second committee amendment is pending?

The PRESIDING OFFICER. The Senator is correct. The Senator's amendment will apply to that amendment so it would be appropriate to take it up at this time.

AMENDMENT NO. 106

(Purpose: To encourage the promulgation of guidelines by persons in the television industry regarding sexually explicit material)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself and Mr. THURMOND, proposes an amendment numbered 106.

(1) on page 2, line 23, strike "or (2) alleviate the negative impact of illegal drug use in telecast material" and insert "(2) alleviate the negative impact of illegal drug use in telecast material and (3) alleviate the negative impact of sexually explicit material in telecast material"

(2) on page 3, line 8, strike "Television Violence Act" and insert "Television Violence and Indecent Material Act".

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

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

The yeas and nays were ordered.

Mr. SIMON. Mr. President, just a comment or two. One is we are not forcing anything on the television in-

dust, but we are asking them to get their own house in order.

My colleague from North Carolina mentioned that children are watching a lot of violence and sexually explicit material. A University of Pennsylvania study shows the most violent hour on television is when the most children are watching in the evening. That is just not in the national interest. Somehow we have to be able to do something about it.

The Senator's amendment goes to an area where we have not had the large body of research showing harm done to society. There is no question in my mind that too often this material is in bad taste and, tends to demean women. So I am personally going to be voting for the amendment. My guess is it will pass unanimously or nearly unanimously.

I might add, after this amendment is adopted, I think the agreement was we were only going to have two amendments: One is on CLAUDE PEPPER and then I assume, unless there is objection, we can pass the bill by voice vote.

The PRESIDING OFFICER. Does any other Senator desire to speak to the amendment? The Chair recognizes the Senator from Illinois [Mr. SIMON].

Mr. SIMON. Just in closing on the bill itself, one of the people who testified before the Judiciary Committee on the bill was Captain Kangaroo, Robert Keeshan. He said,

We should be ever vigilant in protecting the rights of broadcasters, as the FCC has been, but we should be as vigorous in promoting responsibility on the part of broadcasters in meeting the needs of children.

If we fail our youth, we fail the future. In looking at commercial interests we sow the seeds of a bitter harvest and we shall all eat from that table. No bottom line, however healthy, is worth that price.

As a former participant in the television industry, my colleague from North Carolina knows the industry is always telling us if you buy 30 seconds worth of television, it is going to have a huge influence on the public. But how can they then say that and then come along and say, "Oh, if they show 28 minutes worth of violence every hour, it won't have any impact on the public." Well, there seems to be a slight inconsistency in that.

I think the reality, as all of us know, including the Presiding Officer—is that television shapes our society in powerful ways and there is no question that violence on television influences how young children view the world and themselves.

Television can appeal to the best in us or the worst in us. I want it to appeal to the best in us.

Mr. BINGAMAN. Mr. President, I rise today in support of S. 593. This bill, which would enable television broadcasters to collectively discuss reducing violence and illegal drug use on television without fear of breaking antitrust laws, is long overdue, and I

commend Senator SIMON for taking this initiative. I also think that Senator HELMS' amendment passed earlier, which would allow broadcasters to discuss reduction of sexually explicit material, significantly strengthens the bill.

The facts concerning violence on television strongly support such legislation. According to the Nielson Co., children spend approximately 25 hours per week watching television. Although Saturday morning is most often identified as children's programming time, only a small amount of all children's viewing actually occurs during this period. The majority of children's viewing takes place during weekday early morning, late afternoon, and early evening hours. So, it is not only cartoons that broadcasters need to be concerned about, but a much wider array of programs. For example, many children watch music videos. They are very popular. Yet, content analyses of music videos indicate that 75 percent of concept music videos—those involving themes as opposed to a concert performance—contain sexually suggestive material. Fifty-six percent contain violent scenes, which often include acts committed against women.

The connection between televised violence and aggressive and destructive behavior in our children and in our society at large has by now been overwhelmingly demonstrated. This problem needs to be urgently addressed.

In closing, I hope that Senator SIMON's fine legislation will garner overwhelming support in the Congress. I hope that the Senate's action today will be followed by prompt House action as well. After this legislation becomes law, I can only hope that television broadcasters will promptly meet to discuss methods of reducing violence and illegal drug use and sexually explicit material on television.

Mr. BYRD. Mr. President, I am pleased that the Senate is considering today, legislation that would allow an antitrust exemption for television violence regulations. S. 593 enables the major television networks, including theatrical motion pictures, the National Cable Television Association, the Association of Independent Television Stations, Inc., the National Association of Broadcasters, and the Motion Picture Association of America, to participate in discussions that address the problem of TV violence.

Mr. President, American families are facing many crises. The problem of violence on television is reaching more and more of our children. The legislation before us today will allow the television community to develop voluntary guidelines to weaken the negative impact of violence on TV.

As a grandfather and a Senator I am concerned about the values of our young people. I am concerned for the

young people whom I often see in West Virginia. I believe that we must work to reinforce the values that have given our Nation strength. I am appalled at the scenes of violence in today's media. Constant exposure to needless and senseless violence undermines the sanctity of life, and disables us from distinguishing right from wrong. And, violence begets violence.

Allowing the TV industry to establish voluntary standards on TV violence will not end violence, but it will enable us to begin the step of reversing the illusion that violence is the way to solve problems.

Mr. President, the adoption of the amendment offered by the Senator from North Carolina [Mr. HELMS] strengthens this legislation. The Helms amendment will help the cause of protecting American families from sexual explicit viewing and curbing the negative impact of illegal drug use.

I commend the Senator from Illinois [Mr. SIMON] for his diligence on this issue. I strongly support his efforts and I urge the adoption of the legislation.

Mr. CHAFEE. Mr. President, I am one of the original sponsors of the Television Violence Act, which grants a 3-year exemption from antitrust laws to the television industry. The sole purpose of this exemption is to allow the industry to develop standards to mitigate needless depictions of violence and illegal drug use on television. The Senate has unanimously approved similar legislation in the last two Congresses.

Many Americans, including myself, are concerned that televised displays of gratuitous violence contribute to destructive and aggressive behavior. Our concern focuses particularly on the effects of such portrayals on children. Numerous studies have concluded there is good reason to be concerned. For example, the American Psychiatric Association and the American Medical Association have stated that televised violence is a risk factor that threatens the health and welfare of young Americans. The American Academy of Pediatrics' Policy Statement on Children, Adolescents, and Television declares that repeated exposure to televised violence promotes an acceptance of aggressive behavior as the norm.

The problem of television violence does not easily lend itself to legislative remedies. Whenever Congress attempts to deal with issues involving artistic creativity, concerns about possible restrictions on free speech are understandably raised. In addition, those who represent the television industry believe they cannot act together on this issue due to the potential for antitrust liability.

This legislation addresses these obstacles by allowing television broad-

casters, networks, programmers, and cable operators to engage in discussions aimed at developing voluntary standards to mitigate the negative effects of TV violence. They will be able to do so without the fear of running afoul of antitrust laws. It is important to note that this bill does not impose any regulations, restricting artistic expression or otherwise, on the television industry. Neither does it dictate any requirements with regard to the content of voluntary standards, nor create any criteria for those standards.

In conclusion, I would like to say that the need for this legislation is readily apparent. One need only turn on the TV to the evening news to hear about the increasing number of violent acts that are being committed by children of a seemingly younger and younger age. The proliferation of television programming containing meaningless violence or illegal drug use can only add to the mounting pressures that our young people must confront.

If I had my way, children would watch a lot less television in the first place and spend more time reading or participating in outdoor activities. Nonetheless, I believe this bill represents a realistic and reasonable approach to a growing problem. I urge my colleagues to join us again in approving this important legislation, with the hope that this Congress will go on to pave the way for a solution.

#### A BILL TO EXEMPT CERTAIN ACTIVITIES FROM PROVISIONS OF THE ANTITRUST LAWS

Mr. THURMOND. Mr. President, it is again my privilege to be a cosponsor of this bill with Senator SIMON and others of my distinguished colleagues. S. 593 grants a carefully limited antitrust exemption to the television industry so that it can engage in joint discussions to develop and disseminate voluntary guidelines with the intention of alleviating the negative impact of televised violence, illegal drug use and sexually explicit material on children and adults.

Mr. President, there is no question that television programming which contains violence, illegal drug use, or sexually explicit material is a very serious concern, especially because of its impact on children. Our children are our most precious resource and we cannot afford to be oblivious to the influence which television has over them. There has been much testimony from a broad spectrum of researchers that there is a link between televised violence and individual behavior. Individuals may differ on the extent of the link, but very few, if any, disagree that there is some kind of causal connection. I also believe that such a link can be established as to illegal drug use and sexually explicit material.

Since television is such a pervasive part of our everyday life, and since it is so difficult to control the amount of television, or the kind of programs that are watched by our young people, I believe that there is a real need for this legislation. This is particularly true with respect to the televised depiction of illegal drug use as we witness the everyday occurrence of violence related to drugs. It is also true as to the gratuitous depiction of sexually offensive material on television.

Mr. President, let me remind my colleagues that this legislation does not mandate any kind of programming, guidelines, or censorship. It merely provides an antitrust exemption so that the television industry, including the cable television industry, if it chooses, can discuss ways, and develop guidelines, to alleviate the negative impact of violence, illegal drug use, and sexually explicit material on television. It is my hope that the industry will seriously consider this proposal and will take advantage of this opportunity.

I want to commend Senator SIMON for his perseverance in this regard, and also commend Senator HELMS for his amendment with regard to the sexually explicit material. And I urge all of my colleagues to support this legislation.

#### ANSWER BY JUDGE WALTER L. NIXON, JR.

The PRESIDING OFFICER. The Chair submits to the Senate for printing, in the Senate Journal, and in the CONGRESSIONAL RECORD, the answer by Judge Walter L. Nixon, Jr., to the articles of impeachment against Judge Nixon, pursuant to Senate Resolution 127, 101st Congress, 1st session, which answer was received, by the Secretary of the Senate, on May 31, 1989.

The material is as follows:

ROPES & GRAY,

Washington, DC, May 31, 1989.

Re Judge Nixon.

WALTER J. STEWART,

Secretary of the Senate, U.S. Senate,  
Washington, DC.

DEAR MR. STEWART: I enclose Judge Nixon's Answer to the Articles of Impeachment.

Very truly yours,

DAVID OVERLOCK STEWART.

[In the Senate of the United States, Sitting  
As a Court of Impeachment]

IN RE IMPEACHMENT OF JUDGE WALTER L.  
NIXON, JR.

#### ANSWER TO ARTICLES OF IMPEACHMENT

Judge Walter L. Nixon, Jr. of the Southern District of Mississippi, through his undersigned counsel, answers the Articles of Impeachment exhibited by the House of Representatives:

#### ARTICLE I

Article I alleges that Judge Nixon knowingly made a material false or misleading statement to a federal grand jury in Hattiesburg, Mississippi, on July 18, 1984, to wit,

that Forrest County District Attorney Paul Holmes never discussed the Drew Fairchild case with Judge Nixon.

Judge Nixon stated that his statement to the grand jury was, in fact, true and correct, and was not made with any intent to mislead, deceive, or give false testimony. Judge Nixon's only relevant conversation with Mr. Holmes concerned allegations by Wiley Fairchild that Mr. Holmes was blackmailing him, and there never was a discussion of the Drew Fairchild case between him and Mr. Holmes.

Judge Nixon states further that his responses to the prosecutor's questions on that and other occasions were framed by his understanding, based on the prosecutors' statements, that their investigation concerned how Drew Fairchild's case was transferred from federal to state authorities; Judge Nixon had no knowledge of that transfer or how it occurred, never had any discussion or exchange with any individual on that subject until the investigation began, and understood questioning about the Drew Fairchild case to refer to that matter. Because this understanding also framed Judge Nixon's statements that are the subject of Impeachment Articles II and III, this paragraph of his Answer to Article I is hereby incorporated as part of the Answers to Articles II and III.

Judge Nixon states further that his conviction in court on this allegation was secured through the use of false and perjured testimony and by the suppression of exculpatory evidence, all in violation of basic fairness and the constitutional guarantee of Due Process of Law.

#### ARTICLE II

Article II alleges that Judge Nixon made material false or misleading statements to the grand jury on July 18, 1984, to wit, that he had nothing whatsoever officially or unofficially to do with the Drew Fairchild case in Federal court or state court, that he "never handled any part of it, never had a thing to do with it at all, and never talked to anyone, State or Federal, prosecutor or judge, in any way influence anybody" with respect to the Drew Fairchild case.

Judge Nixon states that the allegation in Article II unfairly excerpts and takes his testimony out of context, and that the statements he actually made to the grand jury were true and correct and were not made with any intent to mislead, deceive or give false testimony. Judge Nixon was never involved in the Drew Fairchild case in any court and never handled any part of it as a judge, which is the meaning of his unexcerpted grand jury testimony. The allegation that he falsely denied speaking to any official to "influence" them on the Drew Fairchild case evidently refers to his exchange with Forrest County District Attorney Paul Holmes about Wiley Fairchild's blackmail allegation. The evidence shows that Judge Nixon made no effort to so influence Mr. Holmes.

Judge Nixon states further that his conviction in court on an allegation similar to Article II was secured through the use of false and perjured testimony and by the suppression of exculpatory evidence, all in violation of basic fairness and the constitutional guarantee of Due Process of Law.

#### ARTICLE III

Article III alleges that Judge Nixon has, through fourteen enumerated statements, raised substantial doubt as to his judicial integrity, undermined confidence in the integrity and impartiality of the judiciary, be-

trayed the trust of the people of the United States, disobeyed the laws of the United States and brought disrepute on the Federal courts and the administration of justice by the Federal courts.

As a threshold matter, Judge Nixon denies that this allegation—except for the allegation that he disobeyed the laws of the United States—states an impeachable offense under the Constitution, and he will present a Motion to Dismiss those other aspects of Article III.

#### A. Article III(1)

This section alleges that Judge Nixon made seven material false or misleading statements when he voluntarily submitted to an interview by the United States Department of Justice on April 19, 1984. These statements include:

(A) That Judge Nixon never discussed with Wiley Fairchild anything about Wiley's son's case. This statement was true and correct and was not made with any intent to mislead, deceive or provide false information. Moreover, the substance of this statement is virtually identical to grand jury testimony by Judge Nixon that was alleged to be false in Count II of his indictment, on which charge Judge Nixon was acquitted by the jury.

(B) That Wiley Fairchild never brought up his son's case. This statement was true and correct and was not made with any intention to mislead, deceive, or provide false information. Moreover, the substance of this statement is virtually identical to grand jury testimony by Judge Nixon that was alleged to be perjury in Count II of his indictment, on which charge Judge Nixon was acquitted by the jury. In addition, the identified statement is virtually identical to the statement charged in Impeachment Article III(1)(A), and therefore this allegation is duplicitous and redundant and should be stricken.

(C) That at the time of the interview Judge Nixon had no knowledge of the Drew Fairchild case and did not even know Drew Fairchild existed, except for what the judge previously read in the newspaper and what he learned from the questions in the interview. This specification does not accurately describe or refer to the actual statements by Judge Nixon, which statements were true and correct and were not made with any intent to mislead, deceive or provide false information.

(D) That nothing was done or nothing was ever mentioned about Wiley Fairchild's son. This allegation refers to a statement that is so vague that it is not possible to determine when, where, or by whom Judge Nixon stated that nothing was done or mentioned about Wiley Fairchild's son. Such a vague and imprecise statement cannot be deemed a material false or misleading statement. To the extent that the substance of the statement can be determined at all, it was true and correct, and was not made with any intent to mislead, deceive or provide false information. The points raised in answer to "Impeachment Article I, which concerns a very similar statement by Judge Nixon to the grand jury, are hereby incorporated in this Answer as well.

(E) That Judge Nixon had never heard about the Drew Fairchild case, except what he told the questioners in the interview, and certainly had nothing to do with the case. This allegation distorts Judge Nixon's actual statement and omits material portions of it in a misleading manner. Judge Nixon's actual statement was true and correct and was not made with any intent to

mislead, deceive or provide false information.

(F) That Judge Nixon had done nothing to influence the Drew Fairchild case. This statement was true and correct and was not made with any intent to mislead, deceive or provide false information. Moreover, the allegation of falsity is virtually identical to that alleged in Article III(1)(E), making this allegation duplicitous and redundant.

(G) State prosecutor Paul Holmes never talked to Judge Nixon about the Drew Fairchild case. This allegation does not accurately describe Judge Nixon's statement, which was that Mr. Holmes did not discuss Drew Fairchild's case with Judge Nixon. Judge Nixon's actual statement was true and correct and was not made with intent to mislead, deceive or provide false information. The points raised in answer to Impeachment Article I, which concerns a very similar statement by Judge Nixon to the grand jury, are hereby incorporated in this Answer as well.

#### B. Article III(2)

This section alleges that Judge Nixon made seven material false and misleading statements during his grand jury testimony on July 18, 1984. Five of those statements provide the basis for Impeachment Articles I and II: The statement identified in Impeachment Article III(2)(A) is also the basis for Article I; and the statements identified in Impeachment Articles III(2) (D), (E), (F), and (G) are also the basis for Article II. Consequently, it is multiplicitous, redundant and fundamentally unfair to include identical allegations in separate Impeachment Articles and Judge Nixon will submit a Motion to Dismiss these elements of Impeachment Article III on those grounds. With respect to those allegations in Impeachment Articles III(2) (A), (D), (E), (F) and (G), Judge Nixon hereby incorporates herein the same answers that are made in the Answers to Impeachment Articles I and II above.

Article III(2)(B) alleges that Judge Nixon falsely told the grand jury that to the best of his recollection he did not know of any reason he would have met with Wiley Fairchild after the Nixon-Fairchild oil and gas investment was finalized in February 1981. This allegation distorts and misstates Judge Nixon's actual grand jury testimony. Judge Nixon's actual testimony was true and correct and was not made with any intent to mislead, deceive, or provide false information.

Article III(2)(C) alleges that Judge Nixon falsely told the grand jury that he had given it all the information he had and that he could, and that he had withheld nothing during his grand jury testimony. This testimony also was true and correct and was not made with any intention to mislead, deceive or provide false testimony.

#### FIRST AFFIRMATIVE DEFENSE

As an affirmative defense, Judge Nixon alleges that he was targeted for investigation and prosecution by executive officials who vindictively resented his ruling against the government in the *Petit Bois Island condemnation case, United States v. 717.42 Acres of Land*, (S.D. Miss., 1981). Such targeting and vindictive prosecution of judicial officers who rule against the government is repugnant to the constitutional separation of powers between the executive and judicial branches, subjects all judicial officers to improper pressure to rule in favor of the government and against private citizens, and works a fundamental distortion of our system of justice.

#### SECOND AFFIRMATIVE DEFENSE

As an affirmative defense, Judge Nixon alleges that the allegations against him were developed by executive officials who improperly coerced and induced witnesses to give false testimony, which false testimony has been knowingly introduced against him, in violation of Due Process of Law.

Wherefore Judge Nixon denies that any of the Articles of Impeachment states a valid basis for removing him from office under the Constitution and demands a trial before the full United States Senate as provided in the Constitution, Article I, Section 3.

Respectfully submitted,

Boyce Holleman, Michael B. Holleman, Boyce Holleman, P.A., P.O. Drawer 1030, Gulfport, Mississippi 39502, (601) 863-3142.

David Overlock Stewart, Ropes & Gray, 1001 Pennsylvania Ave., NW, Suite 1200 South, Washington, DC 20004, (202) 626-3900.

Date: May 31, 1989.

#### APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the Senator from Arizona [Mr. McCAIN], from the Committee on Armed Services, to the Board of Visitors of the U.S. Naval Academy, effective May 18, 1989.

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

The PRESIDING OFFICER. Without objection, the time for the quorum call will not be charged to either side.

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.

#### UNANIMOUS-CONSENT AGREEMENT—HOUSE CONCURRENT RESOLUTION 136

Mr. MITCHELL. Mr. President, I am about to propound a unanimous consent request which has been cleared by the distinguished Republican leader. Mr. President, I ask unanimous consent that the pending bill be laid aside and that the Senate proceed to the immediate consideration of House Concurrent Resolution 136, a concurrent resolution commending the democratic movement in China.

I further ask unanimous consent that there be a 10-minute time limitation on House Concurrent Resolution 136, equally divided between Senators PELL and HELMS, and that the only amendments in order be a Pell-Helms amendment to the concurrent resolution and the Pell-Helms amendment to the preamble, times for which are to come out of the time for the concurrent resolution itself.

I further ask unanimous consent that upon disposition of House Concurrent Resolution 136 the Senate return to S. 593, the TV violence bill, and vote immediately, without any intervening action, on the Helms amendment, to be followed immediately thereafter by final passage of S. 593.

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

Mr. MITCHELL. Mr. President, if I can make clear for the benefit of my colleagues then what the schedule will be, we will go now to the resolution regarding the democratic movement in China. That will be for 10 minutes. After that there will be a rollcall vote on that resolution.

Immediately following that vote there will be a rollcall vote on the Helms amendment to S. 593, the TV violence bill.

Thereafter, there will be final passage on the TV violence bill itself. At this time I do not propose to have a rollcall vote on that measure. No such vote has been requested, and unless a request is made there will not be a rollcall vote.

That means that Senators should understand that shortly prior to 5:30 p.m. there should be two rollcall votes, one on the resolution regarding the democratic movement in China, to be followed by a rollcall vote on the Helms amendment to the TV violence bill, and then final passage by voice vote of the TV violence bill. Unless a rollcall vote is requested on that bill, the two rollcall votes I have mentioned will be the only rollcall votes today.

Senators should be on notice, however, that we hope to proceed to the supplemental appropriations bill at 9 o'clock tomorrow morning, and there may be several votes on that measure throughout the day tomorrow.

Mr. FOWLER. Are these 30-minute votes?

Mr. MITCHELL. It is my intention that these rollcall votes will be 15-minute votes. We have received no request from either side for a vote longer than that. And I have made clear throughout the day as to what will occur so Senators should be well apprised of that.

Mr. THURMOND. Mr. President, the matter has been cleared on our side. We have no objection.

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

#### THE MOVEMENT OF DEMOCRACY IN CHINA

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 136) expressing the sense of the Congress on the movement for democracy in China.

The Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### AMENDMENT NO. 107

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL] for himself, Mr. HELMS, and Mr. BOSCHWITZ proposes an amendment numbered 107.

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

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

The amendment is as follows:

Strike out all after the resolving clause and insert:

It is the sense of the Congress that—

(a) The Congress looks with admiration on the courage which Chinese citizens have demonstrated in striving for democratic political reform, including freedom of expression, freedom of assembly, freedom of association, and freedom of the press, and on the peaceful and disciplined manner with which they have pursued their cause;

(b) the leadership of the People's Republic of China should take all necessary steps to establish a just and democratic society, with a free and open political system that will protect the essential human rights of all people living within that country, and

(c) the Secretary of State should communicate to the leadership of the People's Republic of China that official violence or repression directed at those who would peacefully demonstrate for democracy, liberty, justice and workers rights will seriously damage relations with the United States.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, this amendment will purify language in House Concurrent Resolution 136 concerning current developments in China and express the concerns of the Congress about the possible threats to basic human freedoms which may now exist.

I have been deeply concerned about the turn of events in China over the past few weeks as the Chinese students and workers have demonstrated so massively and so peacefully in Beijing. The whole world has been amazed by the dramatic demonstration of the Chinese people in support of basic human freedoms which we in America sometimes take for granted.

Now we must also be concerned about the potential for violence and repression that exists as the student and worker demonstrations come to a close.

I hope that the Chinese leaders will not see these events as a threat to China's stability but instead welcome them as a sign of China's vitality and the hope for a future of continued economic and political growth. Over the

years the United States and the People's Republic of China have built a strong and welcome relationship which I hope can be preserved. I hope that the government in China will exercise the restraint they have so far shown as any other behaviour could well jeopardize our relationship.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, this resolution says a lot about the lack of freedom in China but more importantly, it says a lot about us. The resolution reads "The American people desire to extend their moral support to the struggle for democracy, liberty, and justice in the People's Republic of China." It puts the United States, in case anyone has any doubt about it, directly on the side of freedom in China. A.M. Rosenthal of the New York Times put it this way on May 19: "The United States itself was once nothing but a freedom movement," and we must assume that Congress has not forgotten that.

Our cause is the cause of freedom. The Communist Party in China is supported by an unequalled system of repression and violence. According to recent news reports, the top leadership of new Beijing Independent Workers Union has disappeared into the Chinese Communist gulag. Supporters of liberty and freedom in China now fear for their very lives. Once before, the Chinese people dared to call for the basic human rights that we in America enjoy. The Communists labeled them poisonous weeds and shipped hundreds of thousands of ordinary people to forced labor under the most inhumane of circumstances.

This resolution puts those who would rule China by force on notice: There are negative consequences to the use of violence and repression against those who would exercise their human rights including the right of free association in the market place. Those negative consequences could include the loss of military cooperation with the United States and the loss of access to the technology of the free world.

I am honored to cosponsor with the distinguished chairman of the Senate Foreign Relations Committee, Mr. PELL, this concurrent resolution, along with Senator BOSCHWITZ.

I urge its approval.

Mr. PELL. Mr. President, I suggest the absence of a quorum and ask unanimous consent for it to come out of both sides equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. 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. PELL. Mr. President, I ask has the amendment that is being offered been put to a vote yet?

The PRESIDING OFFICER. It has not. There is an amendment pending.

The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment (No. 107) was agreed to.

Mr. PELL. Mr. President, I thank the Chair.

I ask unanimous consent to substitute the whereas clauses at this time.

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

AMENDMENT NO. 108

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for himself, Mr. HELMS, and Mr. BOSCHWITZ, proposes an amendment numbered 108.

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

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

The amendment is as follows:

Strike the preamble and insert:

Whereas since mid-April millions of Chinese citizens have engaged in peaceful demonstrations in Beijing and other Chinese cities, calling for greater democracy, freedom of expression, freedom of assembly, freedom of association, and for a government which is responsive to the people and free of corruption;

Whereas the demonstrators, in carrying out their peaceful protest, have displayed extraordinary courage, discipline, and restraint;

Whereas such demonstrations reflect a board-based feeling on the part of many Chinese that the political reforms which have occurred in China have not kept pace with the progress of economic reform, and the current difficulties in economic reform will only heighten the popular desire for political reform;

Whereas the extraordinary demonstrations in China constitute one of the most significant movements for democracy in modern history;

Whereas on May 20, 1989, the Chinese Government declared martial law in eight districts of Beijing, and imposed edicts forbidding marches, strikes, class boycotts, distribution of pamphlets, spreading rumors, attacks on leaders, and any other "destructive actions;"

Whereas on May 20, 1989, the Chinese Government ordered units of the People's Liberation Army into Beijing in order to restore order;

Whereas military units attempting to enter the center of Beijing have been met by crowds of pro-democracy demonstrators and have chosen to withdraw or remain in place rather than use force to move forward;

Whereas in April 1989, the authorities of the Shanghai municipality dismissed the editor-in-chief of the World Economic Herald, one of China's more independent newspapers;

Whereas the Chinese authorities have ordered foreign journalists not to go to Tiananmen Square, have stopped international satellite news transmissions, and have jammed three of five Voice of America frequencies (the first time that VOA broadcasts to China have been jammed since the normalization of United States-China relations in 1979);

Whereas, in the wake of democracy movements in 1978-79 and 1986-87, the authorities subjected participants in those movements to a variety of sanctions, and some individuals incarcerated for their peaceful political activity during those movements remain in prison;

Whereas an acceleration of political reform, including greater pluralism and respect for internationally recognized human rights, will have positive consequences for the development of relations between the United States and China, and repression of the movement for democracy in China will seriously impair those relations;

Whereas the freedom of movement and the freedom to form independent trade unions, student organizations and other voluntary associations are curtailed;

Whereas led by the Independent Student Union of Beijing Universities, the Chinese people have demonstrated their desire for democracy, human rights and an end to corruption in the People's Republic of China.

Whereas the American people desire to extend their moral support to the struggle for democracy, liberty and justice within the People's Republic of China.

Mr. PELL. Mr. President, I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 108) was agreed to.

The PRESIDING OFFICER. Do both Senators yield back their time on the resolution?

Mr. HELMS. I yield back my time.

Mr. PELL. I yield back by time.

Mr. HELMS. 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. HELMS. 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. BUMPERS. Mr. President, has a rollcall been requested on this concurrent resolution?

The PRESIDING OFFICER. It has not been requested.

Mr. BUMPERS. Mr. President, I ask for the yeas and nays on the pending matter.

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

The yeas and nays were ordered.

RESOLUTION ON DEMOCRACY IN CHINA

Mr. DODD. Mr. President, I rise in support of House Concurrent Resolution 136, a concurrent resolution expressing the sense of the Congress relative to the movement for democracy in China.

Mr. President, for weeks now, the world has witnessed the unfolding of an extraordinary and unprecedented human drama in the streets of Beijing and all over the vast expanse of China. It's a drama that has shaken the halls of Chinese power. It's a drama that has captured the attention of the world. It's a drama written and played out by every man. It's a drama that speaks to the most fundamental desire of humankind—the desire to be free.

Valiant Chinese students, laborers, professionals, mothers, fathers, and farmers have taken to the myriad streets of China demanding freedom—of speech, of expression, of press, of political and social choice. They have camped out, occupied, and transformed the sacred expanse of Tiananmen Square. Under the glaring eye of Mao, they have made it their home and their battleground. They have made it a living symbol of hope for a future of democracy and freedom in China.

Ours is a country steeped in the luxury of freedom. We take it for granted. Sometimes, we even abuse our freedom by thinking that it is the privilege of only some men and women and not the right of all men and women.

Mr. President, today, as our eyes look toward China, let us reaffirm our commitment to preserving the freedoms that have made our Nation one of the people, not one of the privileged few. As our eyes look toward China, let us see what 200 years of freedom have bestowed upon our lives as individuals and Americans. And then, as we flick on our TV's and see the citizens of China sacrificing their lives for a mere taste of the freedoms that nourish us everyday, let us tell those Chinese that we are with them, that ours is a history that speaks to the grand possibilities of freedom and so it is that we understand.

There is no blueprint for democracy. It is up to China and the Chinese to determine how it is they come to it. So while the Statue of Liberty has been paraded across Tiananmen Square and through the streets of Shanghai, we cannot and should not expect the tenets of Chinese democracy to be borne of the kind of drama that brought our ancestors to New York Harbor and allowed them to stay. China and the Chinese will determine the shape of their democracy.

But as my colleague from the other body, Mr. SOLARZ, put it, our future relationship with the Chinese will, in no

small measure, be determined by how it is they resolve this crisis. As the numbers in Tiananmen Square wax and wane and the present Chinese leadership jockeys for position and influence, let us send a clear signal to the Chinese Government that we support a peaceful resolution to the crisis in their country, one that recognizes the aspiration of a billion Chinese to be free.

Mr. President, it is my hope that we unanimously pass this resolution calling for a peaceful settlement to the crisis in China. With this resolution, let us also send a clear signal to our struggling brothers and sisters in China that they have our profoundest admiration and support.

Mr. MITCHELL. Mr. President, for 2 weeks the world has witnessed a dramatic demonstration of the human desire for freedom. It is a universal desire, not limited by time, place or people.

The courage of the Chinese students has inspired the world and galvanized their nation behind their call for democracy and reform.

For 2 weeks I and other Americans have waited in vain for President Bush to give voice to the admiration and support the American people feel for the Chinese students. Instead, the President's statements have been so balanced and neutral that they appear to be primarily concerned about not offending the Chinese leadership.

From reading the President's statements one would not know that on one side in China is a totalitarian Communist government while on the other are a people willing to die to be free. Someone in the American Government must give expression to the feelings of Americans about these critical events.

I know that the United States cannot and should not attempt to dictate the course of the internal events in China. And our words should not contribute to violence and bloodshed.

But we can and should state clearly and unequivocally our strong support for those who seek democracy and peaceful change. We can and should encourage the authorities in China to be responsive to the legitimate democratic demands of the Chinese people. We can and should make clear to the Chinese people that the United States stands for and in support of freedom—here, there and everywhere.

I urge my colleagues to support this resolution extending moral support to the struggle for democracy, liberty, and justice within the People's Republic of China.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MITCHELL. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from California [Mr. CRANSTON] are necessarily absent.

Mr. DOLE. I announce that the Senator from Utah [Mr. GARN], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Wisconsin [Mr. KASTEN], the Senator from Indiana [Mr. LUGAR], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wyoming [Mr. SIMPSON], the Senator from Virginia [Mr. WARNER], and the Senator from California [Mr. WILSON] are necessarily absent.

I further announce that the Senator from Indiana [Mr. SYMMS] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Wisconsin [Mr. KASTEN] would vote "yea."

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

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—89

Adams	Ford	McCain
Armstrong	Fowler	McClure
Baucus	Glenn	McConnell
Bentsen	Gore	Metzenbaum
Biden	Gorton	Mikulski
Bingaman	Graham	Mitchell
Bond	Gramm	Moynihan
Boren	Grassley	Nickles
Boschwitz	Harkin	Nunn
Breaux	Hatch	Packwood
Bryan	Hatfield	Pell
Bumpers	Heflin	Pressler
Burdick	Helms	Pryor
Burns	Hollings	Reid
Byrd	Humphrey	Riegle
Chafee	Inouye	Robb
Coats	Jeffords	Rockefeller
Cochran	Johnston	Roth
Cohen	Kassebaum	Rudman
Conrad	Kennedy	Sanford
D'Amato	Kerrey	Sarbanes
Danforth	Kerry	Sasser
Daschle	Kohl	Shelby
DeConcini	Lautenberg	Simon
Dixon	Leahy	Specter
Dodd	Levin	Stevens
Dole	Lieberman	Thurmond
Domenici	Lott	Wallop
Durenberger	Mack	Wirth
Exon	Matsunaga	

NAYS—0

NOT VOTING—11

Bradley	Kasten	Symms
Cranston	Lugar	Warner
Garn	Murkowski	Wilson
Heinz	Simpson	

So the concurrent resolution (H. Con. Res. 136), as amended, was agreed to.

The preamble, as amended, was agreed to.

EXEMPTION OF CERTAIN ACTIVITIES FROM ANTITRUST LAWS

The Senate continued with the consideration of the bill.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the question now occurs on the Helms amendment to the committee amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. MITCHELL. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from California [Mr. CRANSTON], are necessarily absent.

Mr. DOLE. I announce that the Senator from Utah [Mr. GARN], the Senator from Indiana [Mr. LUGAR], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wyoming [Mr. SIMPSON], the Senator from Virginia [Mr. WARNER], and the Senator from California [Mr. WILSON], are necessarily absent.

I further announce that the Senator from Idaho [Mr. SYMMS], is absent due to a death in the family.

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

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—91

Adams	Fowler	McCain
Armstrong	Glenn	McClure
Baucus	Gore	McConnell
Bentsen	Gorton	Metzenbaum
Biden	Graham	Mikulski
Bingaman	Gramm	Mitchell
Bond	Grassley	Moynihan
Boren	Harkin	Nickles
Boschwitz	Hatch	Nunn
Breaux	Hatfield	Packwood
Bryan	Heflin	Pell
Bumpers	Heinz	Pressler
Burdick	Helms	Pryor
Burns	Hollings	Reid
Byrd	Humphrey	Riegle
Chafee	Inouye	Robb
Coats	Jeffords	Rockefeller
Cochran	Johnston	Roth
Cohen	Kassebaum	Rudman
Conrad	Kasten	Sanford
D'Amato	Kennedy	Sarbanes
Danforth	Kerrey	Sasser
Daschle	Kerry	Shelby
DeConcini	Kohl	Simon
Dixon	Lautenberg	Specter
Dodd	Leahy	Stevens
Dole	Levin	Thurmond
Domenici	Lieberman	Wallop
Durenberger	Lott	Wirth
Exon	Mack	
Ford	Matsunaga	

NAYS—0

NOT VOTING—9

Bradley	Lugar	Symms
Cranston	Murkowski	Warner
Garn	Simpson	Wilson

So the amendment (No. 106) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

#### ABSENCE OF SENATOR SYMMS

Mr. McCLURE addressed the Chair. The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. McCLURE. Mr. President, I thank the Chair.

I wanted to announce to the Members of the Senate for their information, and also as a word of explanation, the reason for the absence of the distinguished junior Senator from Idaho [Mr. SYMMS].

Mr. SYMMS' father passed away early this morning, late last night. He is necessarily absent, and missed the roll-call votes. Otherwise, he would have been here.

I thank the Chair.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

Mr. GORE. Mr. President, I ask unanimous consent to speak as if in morning business for 5 minutes.

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

#### ONCE IN A LIFETIME

Mr. GORE. On Memorial Day a friend and neighbor of mine who works for Close Up shared with me a communication from one of the students who came to Washington, DC, as part of the Close Up Program. Because it was Memorial Day, because the subject matter of this communication dealt so directly with the meaning of Memorial day, and because I was so affected by it I wanted to share it with my colleagues.

This was written by a young student named Tony Strong, a high school student in Riverside CA, at the California School for the Deaf.

It is entitled "Once In A Lifetime," a true story by Tony Strong, a senior in high school.

Tony writes as follows:

#### ONCE IN A LIFETIME

An extraordinary thing happened to me while I was in Washington, D.C. this past March with *Close Up* and I'm not sure I was ready for it to be quite the experience that it was.

*Close Up* is a week in Washington where we have an opportunity to visit Congress, meet politicians, study issues, and see the impressive monuments and museums. Along with the political and historical aspects of the week we spend a lot of time getting to know students from across the country. It is also a terrific opportunity for us to meet with many other deaf students from other schools, something we don't get to do very often. It is also an opportunity to meet and share ideas, stories, and experiences with hearing students.

We try not to make differences between the deaf and hearing a big deal but we know it always is, especially for hearing kids. When we first arrived at our hotel it was a little awkward because we knew we would be room mates with two hearing kids who probably wouldn't know sign language. We

wondered if they would accept us and treat us as normal high school students. I use my speech a lot and can talk fairly well but still, it is awkward because I can't always tell what hearing people are saying and they don't always understand me. Most of the hearing kids were fascinated with sign language and tried to learn as many signs as they could, but there are always some kids who just don't care. I guess it's true for the deaf, too. Not all deaf students want to bother with hearing people. During our week of *Close Up* most of the kids really did try to get along. Lots of new friends were made and some will be permanent friends.

After a while, though, we do get tired of answering questions about being deaf and about sign language. Maybe not tired of it but more that we wish everyone would just go along normally and not worry about it.

Late in the week with *Close Up* our program instructor, Moira, took us to the Viet Nam Memorial where the names of 58,000 Americans are inscribed. I was a little anxious about seeing it because I knew my father's name was supposed to be there. Together with Moira, our interpreter, Raelynn, and a group of my deaf and hearing friends, we searched the directory for the name Henry H. Strong, Jr. Capt. USN, my Dad. I wanted to find his name on the Wall. Searching for his name was everything I had not expected. I thought it would be easy. It wasn't easy. It was a bit scary. It was exciting, it was sad, it was an honor, and in many ways it made me very proud of him. And I know my Dad would have been proud of me for finding his name on this memorial. When I did find it high up on the wall I saw that the name had a star by it. Dad has been listed as Missing In Action in 1972. I could only imagine all the possibilities of what may have happened to him as an M.I.A. I wanted to do something special to remember this so I laid three red roses there at the base of the wall. I also wanted to get a rubbing of his name on a piece of paper so I could take it home and keep it forever.

It would have been difficult for me to reach Dad's name from the pathway below the wall but my room mate, Brian, a hearing boy from Colorado, volunteered to lift me. He didn't have to do that because I could have found a chair or a ladder to stand on, or try to lean over the top from the other side but he said he didn't mind. I think he felt it was important for him to be part of this experience, too. I couldn't hear him but others told me that he said I could take all the time I needed. Everyone stayed with me as I got my rubbing and I could tell that I was not the only one becoming emotional. As we walked away from the wall we passed by the statue of the three American Soldiers staring at the names on the wall as if to see their fallen comrades . . . and seeing my Dad. It was an overwhelming experience and I could not help but cry. I could see that Moira, Raelynn, and my hearing and my deaf friends all had tears coming down their faces. I felt lots of support and understanding from each of them and it was something I will never forget. Several of the kids talked about their own experiences and relationships with their parents and wondered how they would feel if their father's names were on that wall.

At that moment we realized something very special—something important. It was that the issues of deafness, of hearing, of communication and sign language, and all the other differences became non-issues. What was important was us. Just kids talking about their Dads.

I don't think anyone expected me to show up at our workshop later that evening. They seemed a little surprised when I arrived ready to participate and to get on with the program. I admit that it was a little hard but we had to get on with the program and with other important things. . . So we did.

Jim Kohlmoos with the Close Up Program is the neighbor who shared this with me. I wanted to share it with my colleagues because for me it meant more on Memorial Day than anything that I heard, saw, or read.

#### EXEMPTION OF CERTAIN ACTIVITIES FROM ANTITRUST LAWS

The Senate continued with the consideration of the bill.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. SIMON. Mr. President, I wonder if we could dispose of the pending business before we hear from any of our colleagues further. I rise to ask my colleagues to pass the Television Violence Act for a third time. I introduced television violence antitrust exemption bills in the 99th and 100th Congresses. The Senate passed both of them unanimously. The Senate Judiciary Committee unanimously voted to report the bill favorably on April 18, 1989.

This bill will allow us to address a serious problem that does not easily lend itself to legislative remedies—the harmful effects of televised violence, particularly on young Americans. The need for action on this problem is more urgent than ever. I hope you and your colleagues will act on the bill during this session.

Why is there so much violence on television? I see three reasons.

First, ours is one of the most violent societies among all the industrialized nations. Our rate of violent crimes per capita is consistently among the highest on Earth. I was amazed to discover that the murder of Swedish Prime Minister Olaf Palme was the first time in the modern era that anyone was killed by a firearm on the streets of Sweden. While there are many reasons why Americans turn to violence so readily, the saturation of our mass media with images of violence clearly is a part of this troubling picture.

The other pressures relate to the competitive pressures felt by all members of the television industry. One is the plain fact that violence sells. Programmers, producers and advertisers have discovered the axiom that violence is a nearly sure-fire ratings booster. It moves the numbers. It is difficult for one member of the television industry to impose internal standards on violence when the others can gain a commercial advantage by going in the opposite direction.

The other competitive factor that tends to increase the amount of violence on television is the structural change the industry has undergone in the last 15 years. The networks must now compete with cable systems, pay TV and home video. These alternatives permit viewers to choose programs that are even more violent than the networks have traditionally allowed.

These new pressures within the industry recently led the networks to dramatically shrink their standards and practices staffs. These departments, as old as broadcasting itself, have been the networks' gatekeepers, charged with considering viewers' sensitivities and community standards. According to an October 1988, article in "Channels", an industry trade publication:

The era of self-censorship at the networks is all but dead. Judgments about what is fit and ready for prime time—or any other daypart—will be made by producers themselves, and by programming executives whose main function is to deliver better ratings.

I ask that the entire text of this article be included in the RECORD.

While showing more violence may help individual broadcasters become winners in the ratings wars, our society—and particularly our children—will be among the losers.

We need the active participation of every sector of the industry to address this problem. The Television Violence Act will give individual members of the industry the freedom to improve the situation through private, voluntary action. It will allow the television industry to use its considerable joint administrative and creative resources to act on this problem without fear either of antitrust liability or government censorship.

The industry believes it cannot take these steps today because of the potential for antitrust liability. This concern arises from a complaint filed by the Justice Department against the National Association of Broadcasters in 1979. See *United States v. National Association of Broadcasters*, 536 F. Supp. 149 (D.D.C. 1982).

The Television Violence Act eliminates this obstacle by granting a limited antitrust exemption to certain parties in the industry. The bill simply allows each member of the industry to act jointly with others during a 36-month period for a very specific purpose—to develop voluntary guidelines designed to alleviate the negative impact of televised violence.

The bill does not permit the implementation of any joint sanction or of a boycott by any of the parties granted an antitrust exemption. It imposes no governmental guidelines or regulations on those parties.

The legislation does not permit or contemplate the establishment of a private national censorship board or

enforcement authority. It neither requires the members of the industry to meet, nor does it dictate what should be contained in any voluntary guidelines the industry might develop.

As an old civil libertarian, a former journalist and as chairman of the Judiciary Committee's Constitution Subcommittee, I am mindful of the serious first amendment concerns that could be raised by any attempt on the part of the Federal Government to prescribe the content of television programming. I believe, however, that the Television Violence Act presents no such threat to freedom of speech or artistic expression. It leaves responsibility for the regulation of televised violence where it rests today—in the individual good judgment and public-mindedness of broadcasters, cable operators and producers.

I should note here that the Senate Judiciary Committee amended the Senate version of the bill to allow the industry to develop guidelines on depictions of illegal drug use. The amendment simply allows the industry to discuss ways to better use the power of television to combat a national crisis—the drug scourge.

I strongly believe a democratic, pluralistic society like ours can find ways to protect itself against undue emphasis on violence on television. We need not be frozen in inaction in the face of a serious national problem.

The violence we see every night in our living rooms is increasingly reflected by violence in the streets of the Nation's cities. While clearly there is no one-to-one correlation between the two, study after study has shown a connection between television violence and negative and aggressive behavior.

The evidence that televised violence contributes to aggressive and destructive behavior is now nothing short of overwhelming. I think the conclusions presented by this body of research are about as close as social scientists can come to a true consensus.

A 1972 report by the National Institute of Mental Health ("NIMH"), conducted for the Surgeon General's Scientific Advisory Committee, concluded that a link appeared to exist between violence on television and aggressive behavior. The report also stated that additional studies were required. In 1982, NIMH published an analysis of studies of television violence conducted after its 1972 report. In testimony before the Juvenile Justice Subcommittee in the 1982 NIMH study, a spokesman for NIMH confirmed that:

A sizable number of studies did support the inference that there was a causal connection between the viewing of televised violence and later aggressive behavior.

The American Psychological Association passed a resolution in February 1986, which stated:

The conclusion drawn on the basis of 25 years of research and the sizable number of

experimental and field investigations is that viewing televised violence may lead to increases in aggressive attitudes, values, and behavior, particularly in children.

The American Psychiatric Association and the American Medical Association both passed resolutions which declared that television violence is a risk factor that threatens the health and welfare of young Americans.

The American Academy of Pediatrics' Policy Statement on Children, Adolescents and Television found that:

Repeated exposure to televised violence promotes a proclivity to violence and a passive response to its practice.

I am proud of the support this legislation has received. Among those supporting a bill I introduced in the 100th Congress which is identical to this one were: the National Parent Teacher Association, the American Psychological Association, the Department of Justice, the American Academy of Pediatrics, former Federal Communications Commissioner Newton N. Minow, the United Church of Christ and the Lutheran Church-Missouri Synod.

At a hearing held in 1986 on a predecessor bill I introduced, the Senate Judiciary Committee heard testimony from Robert Keeshan, television's famous Captain Kangaroo. I think Mr. Keeshan's statement contained an excellent summary of the reasons we need to do better in this area:

We should be ever vigilant in protecting the rights of broadcasters, as the FCC has been, but we should be as vigorous in promoting responsibility on the part of broadcasters in meeting the needs of children.

If we fail our youth, we fail the future. In looking at commercial interests, we sow the seeds of a bitter harvest and we shall all eat from that table. No bottom line, however healthy, is worth that price.

The violence and the fear of violence that are gripping millions of Americans in countless American communities are not happening in a vacuum. Our inability to draw the line at excessive television violence is part of that picture. It is time for the television industry to form an alliance with America's families in changing that picture. That is why this legislation could be one of the most significant family issues before Congress.

Television can appeal to the best in us or the worst in us. I am convinced that we are not using this marvelous medium to draw out the best in ourselves or our society. I believe this bill will help us do that.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 593) was ordered to be engrossed for the third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (S. 593), as amended, was passed, as follows:

S. 593

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) actions specified in section 2 shall be exempt from the antitrust laws of the United States.*

(b) For purposes of this Act—

(1) "antitrust laws" has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12), and shall also include section 5 of the Federal Trade Commission Act (15 U.S.C. 45);

(2) "person in the television industry" means a television network, any entity which produces programming for television distribution, including theatrical motion pictures, the National Cable Television Association, the Association of Independent Television Stations, Inc., the National Association of Broadcasters, the Motion Picture Association of America, and each of the networks' affiliate organizations, and shall include any individual acting on behalf of such person; and

(3) "telecast" means any program broadcast by a television broadcast station or transmitted by a cable television system.

Sec. 2. The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the television industry for the purpose of, and limited to, developing and disseminating voluntary guidelines designed to: (1) alleviate the negative impact of violence in telecast material, (2) alleviate the negative impact of illegal drug use in telecast material, and (3) alleviate the negative impact of sexually implicit material in telecast material.

Sec. 3. (a) The exemption provided in section 2 shall not apply to any joint discussion, consideration, review, action, or agreement which results in a boycott of any person.

(b) The exemption provided in section 2 shall apply only to activities conducted within 36 months after the date of enactment of this Act.

Sec. 4. This Act may be cited as the "Television Violence and Indecent Material Act".

Mr. SIMON. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Hawaii.

#### PUYALLUP TRIBE OF INDIANS SETTLEMENT ACT OF 1989

Mr. INOUE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 932.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 932) to provide for the settlement of land claims, and the resolution of certain issues of governmental jurisdiction, of the Puyallup Tribe of Indians in the State of Washington, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ADAMS. Mr. President, I am very pleased today to express support for the prompt passage of H.R. 932, the Puyallup Tribe of Indians Settlement Act of 1989. This legislation provides for the implementation of the Federal role in settling certain land claims of the Puyallup Tribe of Indians in the State of Washington. I have sponsored similar legislation with my colleague Senator GORTON here in the Senate.

This settlement resolves longstanding disputes over tribal land claims in the Tacoma-Pierce County area. In 1854, the Puyallup Tribe, along with several other tribes of the Puget Sound area, entered into the Treaty of Medicine Creek with the United States. From that day on, the precise nature and location of the lands conveyed to the tribe have been in dispute. At the same time, the city of Tacoma grew to become Washington State's second largest city. As the area grew, most of the original Indian land passed out of tribal hands. Eventually, disputes about these land claims ended up in Federal court, and several things became clear:

First, the Puyallup Tribe still existed as a legal entity.

Second, tribal claims to land that was now part of various municipalities, or owned by private landowners, were at least good enough to keep everybody tied up in court for a long time.

Third, resolution of these disputes through the legal process would be enormously expensive to all concerned, and would greatly hinder the overall economic growth of the Tacoma/Pierce County region.

The existing situation hurt everyone. The Puyallup Tribe, deprived for many years of much of their land base, wanted to improve the economic status of its people. Private land owners, corporations, and municipalities, facing clouds on the title to their land, needed an end to a climate of severe uncertainty regarding their control over their land.

Resolution through negotiation was the only viable solution. After much hard work by everyone involved, a settlement was reached last summer. Particular mention must be made of the leadership provided during these negotiations by Senator INOUE, chairman of the Senate Select Committee on Indian Affairs, and by my colleague

from Washington State, Congressman NORM DICKS. Without their efforts this settlement may well have not become a reality.

This legislation authorizes performance of the Federal role outlined in the settlement agreement developed last summer. This settlement, which amounts to approximately \$161 million, has been accepted by the tribe, the local governments in Pierce County, and the private property owners. It will become effective once it has been implemented at the State and Federal level.

The Federal role in this settlement involves several functions. One major function involves taking into trust for the tribe lands acquired through this settlement agreement. Another major function involves appropriating the \$77.5 million that makes up the Federal share of this settlement.

A Federal role in this settlement is just and proper. Under the doctrine of the trust responsibility, the U.S. Government has an obligation to assist tribes in maintaining or reclaiming lands or rights secured by treaties or other agreements with United States. The United States bears some of the burden of responsibility for the unhappy history of this issue, and the divisions that have been caused in the community. It is only proper that the United States help make things whole.

By doing so, we can contribute to the economic growth of the entire community. This settlement promises economic opportunity for everyone. The Port of Tacoma will be able to continue its amazingly successful development free of concerns caused by legal claims against its property. Municipalities like the city of Tacoma can plan for the economic well-being of all citizens in an atmosphere free of legal uncertainty and animosity. The Puyallup Tribe, this settlement gives the tribe resources and economic incentives to help develop a strong and viable economic base for the future.

This settlement also benefits the community as a whole by developing mechanisms for cooperation between the tribe and its neighbors on a government-to-government basis. As the tribe and surrounding communities grow together, cooperation will be essential on issues such as land use matters, environmental concerns, navigation conflicts, fisheries management, and flood control. Through mechanisms established by this agreement, the cooperative spirit embodied in this settlement will become an enduring legacy for the future.

Finally, Mr. President, I must again commend Senator INOUE and Congressman DICKS for their leadership role on this issue. Along with my colleague Senator GORTON, they have helped to move this legislation swiftly through Congress.

This bill is a practical solution to a difficult problem. I urge my colleagues to grant it swift passage.

Mr. INOUE. Mr. President, this measure represents 2 years of intensive negotiation and work by the citizens of the State of Washington, the Governor, and members of the legislature, the Federal Government of the United States, Department of the Interior, Justice Department, Bureau of Indian Affairs, and the congressional delegation.

I believe the Senate should be aware that Members such as Senators BROCK ADAMS and SLADE GORTON spent many hours with the Puyallup Tribe to bring this resolution about, because without this bill this matter would still be in the courts, placing a horrible cloud of uncertainty over the city of Tacoma, the Port of Tacoma, and for that matter, the State of Washington. I would hope that we can consider this immediately and pass upon it. I am pleased to advise the Senate that this measure has been approved by both leaders, Republican and Democrat.

At this time, if I may, I wish to yield to my distinguished colleague from Washington, [Mr. GORTON].

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, I thank the distinguished Senator from Hawaii, both for his explanation of this bill and for what I can only refer to as dedication far above and beyond the call of any duty on his part, in shepherding this proposal from an amorphous idea, which had divided the community and had been rejected by the Indian tribe concerned in an earlier version, through eight visits to my State, to the point at which we have the bill before us here today.

The distinguished Senator from Hawaii, who is the chairman of the Committee on Indian Affairs, has shown a dedication and a thoughtfulness to the cause of justice, to the cause of settling the complex questions like this, without protracted and lengthy litigation, which is highly commendable.

The Senator from Hawaii speaks quite correctly, this does unite the congressional delegation from the State of Washington. My distinguished colleague, Senator ADAMS, one of the original sponsors of the bill, is here on the floor. We believe that it is not only a fine settlement of this controversy, but that it is an indicator of the way in which many such controversies across the Nation can appropriately be settled in the future.

Once again, I want to express my deep gratitude to the Senator from Hawaii for his absolutely sterling leadership in this connection.

Mr. President, it is with great pleasure that I rise in support of H.R. 932, the Puyallup Tribe of Indians Settle-

ment Act of 1989. The Puyallup Settlement is a landmark agreement that will resolve once and for all, the longstanding land claims and jurisdictional disputes which have hindered development and clouded residential and commercial properties in the Tacoma area.

I believe the settlement, a product of 4 years of negotiations, is comprehensive and fair to all parties. It will implement an agreement approved by the Puyallup Indian Nation on August 27, 1988.

The settlement is valued at \$161.5 million, with a Federal share of \$77.25 million, a figure which is below 50 percent of the total package. While the total price of this settlement is great, the high cost is caused by the site of the disputed lands—the very heart of the Port of Tacoma, the sixth largest container port in North America, downtown Tacoma, the third largest city in Washington State, as well as in surrounding areas in Pierce County. It should be noted, however, that the local and State governments, as well as the private parties, are so committed to this settlement that they have agreed to contribute over 50 percent of the total cost of the package.

The agreement was carefully crafted to plan for the Tribe's future. Several direct benefits will be provided to the tribal membership, including: the acquisition of land, economic development and job training activities, fisheries enhancement, housing rehabilitation, and support for social needs such as health care, day care, and education.

The agreement will serve as a catalyst for future cooperation between the Indian and non-Indian community. Under the terms of the settlement, a cooperative approach will be established for governmental authority and responsibility including a system of consultation and dispute resolution for land use matters and environmental concerns, a procedure for determining how future lands go into trust, an agreement for resolving navigational conflicts, an agreement on how future governmental services are to be provided, and the establishment of future programs related to fisheries and flood control.

Absent the approval of this settlement, the only means to resolve the conflicts between the Puyallup Tribe and the non-Indian community rests with the courts. The claims of the Puyallup Tribe are currently in the district court and are on hold pending congressional consideration of the negotiated settlement. In the meantime, the Port of Tacoma is hindered in obtaining needed permits to fill waterways or extend piers to meet its growing demands, private companies on the tidelands have a great deal of trouble, landowners can't obtain title insurance needed to sell their homes.

H.R. 932 is identical to S. 402, a bill I sponsored with Senator ADAMS. A hearing was held by the Select Committee on Indian Affairs on February 24, 1989. The legislation was approved by voice vote by the Senate Select Committee on Indian Affairs on May 16, 1989. I would like to thank both the chairman, DANIEL INOUE and the ranking Republican, JOHN MCCAIN, for their assistance in expeditiously considering this legislation. I would particularly like to thank Chairman INOUE who traveled to Washington State on eight separate occasions to work with the parties to resolve their differences. I am convinced that without Chairman INOUE's personal involvement and his reputation as a man all sides trusts, we would not be here today. I would also like to commend my colleague in the House, NORM DICKS, whose district is affected by these claims. NORM has been a tireless advocate for a negotiated settlement. He worked diligently with the team of negotiators to hammer out a final compromise.

Before the Senate Select Committee on Indian Affairs considered S. 402, a letter was received by the Justice Department outlining their concerns with the legislation. One matter which they raised was particularly troubling and worthy of a response. The Justice Department concerns primarily stem from a misunderstanding of the settlement agreement and its relationship to State and Federal environment cleanup requirements under CERCLA and State Superfund law. Justice expressed concerns that the process for cleaning up contaminated lands might not include involvement by EPA. I want to assure my colleagues that the parties to this agreement by law cannot enter into separate agreements that supersede Federal law, nor did they attempt to do this. Because of the Justice Department's letter, I asked the Port of Tacoma to respond to these charges. A letter I received, dated May 16, 1989, from John Terpstra, the executive director of the Port of Tacoma, speaks clearly to this issue. It states, "the Puyallup Tribal Settlement Agreement does not release the Port of Tacoma from CERCLA liability relative to properties transferred to the tribe. The Tribal Agreement requires compliance with State Department of Ecology and U.S. Environmental Protection Agency Superfund cleanup laws and other applicable laws."

During the markup of the bill, my colleague, Senator MCCAIN, expressed concern that the settlement not be funded at the expense of other Indian programs administered by the Bureau of Indian Affairs or the Indian Health Service. I want to again assure him, as I did at the markup, that it is not this Senator's intent to seek funding for

this settlement from any existing Indian programs.

Mr. President, in conclusion let me state that I believe a negotiated settlement is a far better alternative than the disruption and uncertainty caused by protracted litigation. Passage of this agreement will put behind us a history of confrontation, and put before us one of cooperation. We will forge a partnership which brings together people who share common goals and interests, who will work together for a mutual objective. I am looking forward to the realization of that worthy goal.

Mr. INOUE. Mr. President, I thank my colleague for his very generous words.

I am pleased to yield to my distinguished friend from Washington [Mr. ADAMS].

Mr. ADAMS. Mr. President, I, too, want to express my deep gratitude to the Senator from Hawaii, the chairman of the committee, for not only an outstanding job done with this particular piece of legislation, but the caring and the time that he has spent both dealing with the tribal people involved, the city people involved, the State government, and many others, it is a fine tribute to him, that he could do this thing for this tribe at this time.

As my colleague, Senator GORTON, said, it forms a basis for settlement of many, many pieces of litigation throughout the United States, and I am hopeful that this starts a new trend. For that, I personally want to state my gratitude to the Senator from Hawaii.

I think the entire Nation should be grateful to the chairman for showing a new way for settlement of difficulties for native Americans, and we are grateful to him and the Nation is grateful to him.

Mr. INOUE. I thank my friend from Washington.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill. The bill (H.R. 932) was ordered to a third reading, was read the third time, and passed.

Mr. INOUE. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

#### APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276(d)-276(g), as amended, appoints the Senator from Nevada [Mr. BRYAN] as a member of

the Senate delegation to the Canada-United States Interparliamentary Group during the 101st Congress, 1st Session, to be held in Montebello, Canada, June 1-5, 1989.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

#### APPOINTMENT OF DEPUTY LEGAL COUNSEL

Mr. FOWLER. Mr. President, on behalf of the distinguished majority leader, Mr. MITCHELL, and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 138) reappointing Kenneth U. Benjamin, Jr., as Deputy Senate Legal Counsel.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to as follows:

#### S. RES. 138

*Resolved*, That the reappointment of Kenneth U. Benjamin, Jr., to be Deputy Senate Legal Counsel, made by the President pro tempore of the Senate this day, shall become effective on June 1, 1989, and the term of service of the appointee shall expire at the end of the 102d Congress.

Mr. FOWLER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. GORTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### COMMITTEE DISCHARGED FROM CONSIDERATION OF S. 757

Mr. FOWLER. Mr. President, on behalf of the senior Senator from Louisiana [Mr. JOHNSTON] I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from consideration of S. 757, legislation to redesignate the Federal hydropower generating facilities located at Dam B on the Neches River at Town Bluff, TX, as the "Robert Douglas Willis Hydropower Project". The bill was erroneously referred to the Committee on Energy and Natural Resources and should be re-referred to the appropriate Committee.

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

#### STRATEGIC PETROLEUM RESERVE AMENDMENTS

Mr. FOWLER. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar Number 71, S. 694, the strategic petroleum reserve authorization bill.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 694) to amend the Energy Policy and Conservation Act to extend the authority for the strategic petroleum reserve, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

#### S. 694

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be referred to as the "Strategic Petroleum Reserve Amendments of 1989".

#### EXTENSION OF AUTHORITY

SEC. 2. Section 171 of the Energy Policy and Conservation Act, as amended (42 U.S.C. 6251), is amended by striking the term "June 30, 1989" everywhere it appears and substituting the term "June 30, 1994".

#### ENLARGEMENT TO ONE BILLION BARRELS

SEC. 3. (a) Section 159 of the Energy Policy and Conservation Act (Public Law 94-163), as amended (42 U.S.C. 6239), is amended by adding the following new subsection:

"(i) The Secretary shall on January 30, 1990, amend the Strategic Petroleum Reserve Plan to prescribe plans for completion of storage of one billion barrels of petroleum products in the Reserve. Such amendment shall comply with the provisions of this section and shall detail the Secretary's plans for the design, construction, leasing or other acquisition, and fill of storage and related facilities of the Reserve to achieve such [one billion barrel] *one billion barrels* of storage. Such amendment shall not be subject to the congressional review procedures contained in section 551 of Public Law 94-163 (42 U.S.C. 6421). In assessing alternatives in the development of such plans, the Secretary shall consider leasing privately owned storage facilities."

(b) Section 160 of the Energy Policy and Conservation Act, as amended (42 U.S.C. 6240), is amended—

(1) by substituting in paragraph (c)(3)—  
(A) the term "fiscal year 1995" for the term "fiscal years 1988 and 1989", and

(B) the term "1,000,000,000" for the term "at least 750,000,000", and (2) in paragraph (d)(1)—

(A) by substituting in subparagraph (A) the term ["750,000,000"] "*1,000,000,000*" for the term ["1,000,000,000"] "*750,000,000*", and

(B) by striking the period at the end of subparagraph (B) substituting a semicolon.

and adding a new subparagraph (C) as follows:

"(C) after January 30, 1990, the Secretary has amended the Strategic Petroleum Reserve Plan as required by section 159(i)."

**FREDRAWDOWN DIVERSION OF SPR OIL**

SEC. 4. Section 161 of the Energy Policy and Conservation Act, as amended (42 U.S.C. 6241), is amended by adding the following new subsection:

"(h)(1) If the President finds that a severe energy supply interruption may be imminent and that the world price of crude oil has, as a result, increased substantially, then the execution of new contracts for petroleum products for injection into the Strategic Petroleum Reserve may be curtailed or suspended for not to exceed thirty days, and the provisions of sections 160(c) and (d) shall not apply: *Provided, however, That the President may extend such [funding may be extended] finding for additional thirty-day periods [upon a finding] if he finds that the conditions that justified the initial finding still exist. (2) The period during which such Presidential [declaration] finding is in effect, and the quantity of any petroleum products involved, shall be disregarded in applying the provisions of such subsections for periods following the effective period of such [declaration] finding. (3) When such a [declaration] finding is in effect, the Secretary is authorized to sell, in accordance with rules or regulations which he shall promulgate, any petroleum products acquired for storage in, but not injected into, the Strategic Petroleum Reserve. (4) The receipts from such sales shall be deposited in the "SPR Petroleum Account" under section 167 and shall be subject to section 167(d)."*

**OIL LEASING STUDY AND REPORT**

Sec. 5. *The Secretary of Energy shall provide no later than ninety days after enactment of this Act to the Senate Committee on Energy and Natural Resources and to the House Committee on Energy and Commerce a written, detailed report on potential financial arrangements (including long-term leasing of crude oil and storage facilities) as additional, alternative means of financing the Strategic Petroleum Reserve. The Secretary of Energy shall direct that in the course of conducting this study the appropriate officials shall:*

(a) *survey a broad array of potential financial arrangements;*

(b) *communicate with persons in the private sector who might be interested in leasing crude oil or storage facilities;*

(c) *initiate, in cooperation with the State Department, discussions with representatives of foreign governments and other entities as to the types of financial arrangements (including crude oil leasing arrangements) that would interest them, consistent with United States interests, and*

(d) *draft preliminary solicitations for proposed Strategic Petroleum Reserve financial arrangements (including long-term leasing of crude oil and storage facilities.)*

*Such report shall include legislative recommendations and proposals to facilitate such financial arrangement (including long-term leasing of crude oil and storage facilities).*

Mr. McCLURE. Mr. President, I rise today in support of S. 694, the Strategic Petroleum Reserve Amendments of 1989.

Thirteen years have passed since the Congress initially authorized the strategic petroleum reserve. Successful

completion of the reserve was considered a monumental task by all the affected parties. Nevertheless, by the end of this year, due to the support and dedication of many individuals, the SPR will contain about 578 million barrels of oil, or over three-quarters of the currently authorized 750 million barrel reserve.

However, on June 30, the general authorities to construct, maintain and drawdown the SPR expire. After that date the Department can maintain the SPR with appropriated funds, but it will not have the necessary authorities to implement an actual drawdown in the event of an international energy crisis.

S. 694 extends these critical authorities for an additional 5 years until June 30, 1994. The bill also authorizes the fourth 250 million barrels of SPR storage, as originally envisioned by the Congress. This authorization would increase the reserve up to the 1 billion barrel statutory goal approved by the Congress in 1976.

Not too long ago, the strategic stocks held by IEA member countries were the equivalent to more than 160 days of 1986 net imports, compared to the minimum obligation under the International Energy Agreement of 90 days of net oil imports. At the time, the United States was encouraging further improvements in strategic stocks, particularly by those few IEA member states who continued to fall short of their IEA obligations in this regard.

But now, due to very troubling trends in our oil imports, the United States could in the near future fail to meet its own IEA obligations. If this were to occur it would significantly undermine the U.S. credibility and leadership on this vital issue. Therefore, it is particularly appropriate at this time that the Congress authorize a larger reserve.

The bill also authorizes the diversion of oil in transit for storage in the SPR when the President anticipates an energy crisis. Under such circumstances the President would be authorized to divert oil in transit to the SPR into international energy markets, thus relieving the anticipated shortage. It must be noted, however, that we are talking about situations that are expected to deteriorate into a "severe energy supply disruption." We are not talking about situations such as the recent *Exxon Valdez* incident. In my opinion, it is not appropriate to consider drawdown of the SPR in such instances, as has been suggested from time to time by different administrations. What is clear is that existing statutory authority permits SPR drawdown only in the event of an actual "severe energy supply disruption" or when required by obligations of the United States under the International Energy Program Agreement.

Mr. President, during the committee's deliberations on this measure there was discussion of the budget consequences of the SPR and the need to examine alternative mechanisms other than direct appropriations, to finance oil purchases for the reserve. There was extensive discussion of possible alternatives but, from an energy policy perspective, none of the proposals had any major advantages over the current use of direct appropriations. Particular attention was devoted to the alternative of leasing both oil and private storage facilities. S. 694 thus authorizes a study by DOE of alternative mechanisms for financing the SPR, with particular emphasis on leasing, with a report to the Congress within 90 days of enactment.

In light of the present budgetary climate, it is particularly appropriate at this time that the committee consider alternative financing measures for such an expanded reserve. Each financing method possesses its strengths and weaknesses. But each method must be evaluated from the perspective of maintaining the Government's control of drawdown of the SPR. Under current law, drawdown is controlled by the President based on national energy security and economic concerns. I believe that such Presidential control must be retained.

Currently before Congress is a Bush administration proposal to sell the naval petroleum reserve to finance fill of the SPR in lieu of appropriations. In recent years, similar proposals have been specifically rejected by the Congress. The time has arrived to consider this and other financing proposals that would serve as alternatives to direct appropriations and I would anticipate the committee's continued work in this regard in the coming weeks.

Mr. President, I would urge my colleagues at this time to approve S. 694 as reported by the Energy and Natural Resources Committee.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendments en bloc.

The committee amendments were agreed to en bloc.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 694), as amended, was passed, as follows:

S. 694

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Strategic Petroleum Reserve Amendments of 1989".*

## EXTENSION OF AUTHORITY

SEC. 2. Section 171 of the Energy Policy and Conservation Act, as amended (42 U.S.C. 6251), is amended by striking the term "June 30, 1989" everywhere it appears and substituting the term "June 30, 1984".

## ENLARGEMENT TO ONE BILLION BARRELS

SEC. 3. (a) Section 159 of the Energy Policy and Conservation Act (Public Law 94-163), as amended (42 U.S.C. 6239), is amended by adding the following new subsection:

"(i) The Secretary shall by January 30, 1990, amend the Strategic Petroleum Reserve Plan to prescribe plans for completion of storage of one billion barrels of petroleum products in the Reserve. Such amendment shall comply with the provisions of this section and shall detail the Secretary's plans for the design, construction, leasing or other acquisition, and fill of storage and related facilities of the Reserve to achieve such one billion barrels of storage. Such amendment shall not be subject to the congressional review procedures contained in section 551 of Public Law 94-163 (42 U.S.C. 6421). In assessing alternatives in the development of such plans, the Secretary shall consider leasing privately owned storage facilities."

(b) Section 160 of the Energy Policy and Conservation Act, as amended (42 U.S.C. 6240), is amended—

(1) by substituting in paragraph (c)(3)—

(A) the term "fiscal year 1995" for the term "fiscal years 1988 and 1989", and

(B) the term "1,000,000,000" for the term "at least 750,000,000", and (2) in paragraph (d)(1)—

(A) by substituting in subparagraph (A) the term "1,000,000,000" for the term "75,000,000,000", and

(B) by striking the period at the end of subparagraph (B), substituting a semicolon, and adding a new subparagraph (C) as follows:

"(C) after January 30, 1990, the Secretary has amended the Strategic Petroleum Reserve Plan as required by section 159(i)."

## PREDRAWDOWN DIVERSION OF SPR OIL

SEC. 4. Section 161 of the Energy Policy and Conservation Act, as amended (42 U.S.C. 6241), is amended by adding the following new subsection:

"(h)(1) If the President finds that a severe energy supply interruption may be imminent and that the world price of crude oil has, as a result, increased substantially, then the execution of new contracts for petroleum products for injection into the Strategic Petroleum Reserve may be curtailed or suspended for not to exceed thirty days, and the provisions of sections 160(c) and (d) shall not apply: *Provided, however,* That the President may extend such finding for additional thirty-day periods if he finds that the conditions that justified the initial finding still exist. (2) The period during which such Presidential finding is in effect, and the quantity of any petroleum products involved, shall be disregarded in applying the provisions of such subsections for periods following the effective period of such finding. (3) When such a finding is in effect, the Secretary is authorized to sell, in accordance with rules or regulations which he shall promulgate, any petroleum products acquired for storage in, but not injected into, the Strategic Petroleum Reserve. (4) The receipts from such sales shall be deposited in the "SPR Petroleum Account" under section 167 and shall be subject to section 167(d)."

## OIL LEASING STUDY AND REPORT

SEC. 5. The Secretary of Energy shall provide no later than ninety days after enactment of this Act to the Senate Committee on Energy and Natural Resources and to the House Committee on Energy and Commerce a written, detailed report on potential financial arrangements (including long-term leasing of crude oil and storage facilities) as additional, alternative means of financing the Strategic Petroleum Reserve. The Secretary of Energy shall direct that in the course of conducting this study the appropriate officials shall:

(a) survey a broad array of potential financial arrangements;

(b) communicate with persons in the private sector who might be interested in leasing crude oil or storage facilities;

(c) initiate, in cooperation with the State Department, discussions with representatives of foreign governments and other entities as to the types of financial arrangements (including crude oil leasing arrangements) that would interest them, consistent with United States interests, and

(d) draft preliminary solicitations for proposed Strategic Petroleum Reserve financial arrangements (including long-term leasing of crude oil and storage facilities).

Such report shall include legislative recommendations and proposals to facilitate such financial arrangements (including long-term leasing of crude oil and storage facilities).

Mr. FOWLER. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

NATIONAL D-DAY  
REMEMBRANCE

Mr. FOWLER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a resolution (S. Res. 139), submitted earlier today by Senator LAUTENBERG and others which designates June 6, 1989, the 45th anniversary of D-day, as National D-Day Remembrance Day.

The PRESIDING OFFICER. Without objection, the resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 139) to designate June 6, 1989, as National D-Day Remembrance Day, and to recognize the sacrifices made by the American and other Allied soldiers who gave their lives to liberate Europe and save the world from Adolf Hitler.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LAUTENBERG. Mr. President, I rise in support of the resolution to designate June 6, 1989, the 45th anniversary of D-day, as National D-Day Remembrance Day. The resolution also recognizes the sacrifices made by American and Allied soldiers who gave their lives to liberate Europe and save the world from Hitler.

This legislation has been endorsed by the American Legion, the Disabled American Veterans, the AMVETS, and the Paralyzed Veterans of America.

On June 6, 1944, Allied troops invaded Normandy, France, marking the beginning of the end of the Nazi empire. On that day, hundreds of thousands of American, British, and Canadian troops sprang from the sea and air onto the coast and fields of Normandy, France, in Operation Overlord to punch a gaping hole in Hitler's Fortress Europe. On the morning of D-day, more than 5,000 Allied ships carrying nearly 100,000 men with 1,083 heavy bombers and more than 2,000 fighter planes overhead hit the beaches of Normandy, France.

The invasion was the largest combined air, sea, and land operation in history. After a day of bitter fighting the Allies established a beachhead in Normandy. During the next week the Allied Expeditionary Force solidified its position. The Germans, because of the disruption of their transportation system and Allied air superiority, could not bring sufficient reserves to the battlefield to launch an effective counterattack. Within a few days, the Allies broke through the Normandy defenses and were racing toward Paris. Another Allied invasion of Southern France took place in the middle of August and on August 25, 1944, Paris was liberated, opening the way to an invasion of Germany itself.

The people of the United States owe a tremendous debt of gratitude to all members of our Armed Forces who participated in Operation Overlord on D-day, and in all other theaters during World War II.

I urge the Senate to adopt this resolution swiftly.

Mr. GORTON. Mr. President, I note that my name does not appear as a cosponsor of this resolution. I ask unanimous consent that it be so included.

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

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, read as follows:

## S. RES. 139

Whereas June 6, 1989, marks the 45th anniversary of D-Day, the day on which thousands of American, British and Canadian troops sprang from the sea and air onto the coast and fields of Normandy in "Operation Overlord" to punch a gaping hole in Adolf Hitler's "Fortress Europe";

Whereas after the German victory over France in 1940, one of the main objectives of the Allied powers was to invade France as the first major step toward the defeat of Nazi Germany;

Whereas Allied planning for an invasion of France, named Operation Overlord, began in earnest in 1942;

Whereas General Dwight D. Eisenhower, Commander of United States forces in Europe, was selected as Supreme Commander of the Allied Expeditionary Force, and Great Britain's General Bernard Law Montgomery, the hero of El Alamein, was appointed to command the Twenty-First Army Group, the main Allied land force;

Whereas the beaches of Normandy were selected for the primary invasion;

Whereas General Eisenhower knew that the Allies had to succeed in establishing a beachhead on the first day because, with the scarcity of landing craft, it would be 6 weeks before the Allies could land enough men to achieve numerical superiority over the German defenders;

Whereas the Germans, anticipating the inevitable invasion, began constructing coastal defenses in northern France in 1940;

Whereas on the morning of June 6, 1944, known as "D-Day", more than 5,000 Allied ships carrying nearly 100,000 men hit the beaches of Normandy, with 1,083 heavy bombers and more than 2,000 fighter planes providing support overhead;

Whereas the invasion was the largest combined air, sea, and land operation in history;

Whereas after a day of bitter fighting the Allies succeeded in establishing a beachhead;

Whereas during the next week the Allied Expeditionary Force solidified its position, and the Germans, because of the disruption of their transportation system and because of Allied air superiority could not bring sufficient reserves to the battlefield to launch an effective counterattack;

Whereas both Field Marshal Rommel and Adolf Hitler believed the Normandy invasion was a feint for a larger invasion at Calais and kept troops away from Normandy;

Whereas Field Marshal von Rundstedt was unable to move his armor in time to stem the Allied advance;

Whereas a massive battle against German armor at Caen held up General Montgomery for a few days, but the Allies broke through the Normandy defenses and raced toward Paris;

Whereas the Allies mounted a second invasion in southern France in August 1944, and on August 25, 1944, Paris was liberated, opening the way to the invasion of Germany itself; and

Whereas the people of the United States owe a tremendous debt of gratitude to all members of our Armed Forces who participated in "Operation Overlord" and in all other theaters during World War II: Now, therefore be it

*Resolved*, That June 6, 1989, is designated as "National D-Day Remembrance Day", and the President is requested to issue a proclamation calling upon the people of the United States to observe this solemn occasion with appropriate ceremonies and activities, and to express gratitude to those who gave their lives and to all others who served to defend our freedom in World War II.

Mr. FOWLER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

#### AUTHORIZATION FOR THE USE OF THE ROTUNDA FOR THE LYING IN STATE OF THE REMAINS OF THE LATE HONORABLE CLAUDE PEPPER

Mr. FOWLER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 139, which recognizes the long and distinguished service of our colleague, the late Congressman CLAUDE PEPPER, and to permit his remains to lie in state in the rotunda of the U.S. Capitol on June 1 and June 2.

The PRESIDING OFFICER. The Clerk will state the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 139) authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Claude Pepper.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 139) was agreed to.

Mr. FOWLER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

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

The motion to lay on the table was agreed to.

#### LOCAL RAIL SERVICE ASSISTANCE REAUTHORIZATION ACT

Mr. FOWLER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order No. 57, S. 255, the Local Rail Service Assistance Reauthorization Act.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 255) to authorize appropriations for the local rail service assistance program.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

There being no objection, the Senate proceeded to consider the bill.

(Purpose: To make an amendment in the nature of a substitute)

Mr. HARKIN. Mr. President, I have an amendment in the nature of a substitute for S. 255 which I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 109.

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

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

The amendment is as follows:

Strike all after the enacting clause and insert the following:

That this Act may be cited as the "Local Rail Service Assistance Reauthorization Act of 1990".

Sec. 2. (a) The second sentence of subsection (q) of section 5 of the Department of Transportation Act (49 App. U.S.C. 1654(q)) is amended—

(1) by striking "and" and "immediately after 1987";

(2) by striking the period at the end and inserting in lieu thereof a comma; and

(3) by adding at the end the following: "and not to exceed \$10,000,000 for the fiscal year ending September 30, 1990."

(b) The last sentence of such subsection (q) is amended by striking "1988" and inserting in lieu thereof "1990".

Sec. 3. Section 5(g) of the Department of Transportation Act (49 App. U.S.C. 1654(g)) is amended by striking "70 per centum" and inserting in lieu thereof "60 per centum".

Mr. HARKIN. Mr. President, this amendment has been cleared on both sides. Basically this amendment tracks and is the same as S. 255 except that it changes the title to the "Local Rail Service Assistance Reauthorization Act of 1990" rather than 1989 and reauthorizes the program for fiscal year 1990 at a level of \$10 million.

Mr. President, at the outset I wish to first of all thank my colleague, Senator PRESSLER, from South Dakota, for all of his hard work. This effort has been going on now for at least a year, and Senator PRESSLER has been a moving force behind getting it through this year. I just want to commend him and thank him for all of his hard work and effort to get this bill through.

I would also like to commend Senator EXON, the chairman of the authorizing subcommittee and Senator HOLLINGS, the chairman of the Commerce Committee for their substantial efforts and support of local rail service assistance. I very much appreciate their support.

Senator D'AMATO from New York has also been a very strong supporter of the local rail service assistance bill and I know that he has done a lot of work also to make sure that this bill gets through.

Senators COCHRAN and SIMON have been very helpful. Many other Senators have been helpful.

LRSA has a lot of bipartisan support, Mr. President.

The bill provides for a reauthorization of this program for 1 year at a level of \$10 million for fiscal year 1990. The Local Rail Service Assistance Program provides a low level of financial assistance to all States for

use in manners they consider appropriate for rail freight support. Most of the States use those funds for planning.

Most of the funds are allocated to specific rail rehabilitation projects. In a relatively small number of cases funds were used to help pay for the acquisition of track by a new shortline railroad to avoid abandonment.

LRSA has been responsible for rehabilitating thousands of miles of freight track; allowing for the handling of larger cars at higher speeds; reopened scores of critical branchlines as newly created shortline companies; and provided for the movement of many thousands of carloads of freight that would have otherwise been carried in smaller, less efficient, and more costly truck loads.

Without railroad branchlines, farmers would have to move their grain by truck, which is more costly. Small coal companies and many small manufacturers would have to do the same. For many of them, the loss of rail service can mean the loss of their ability to operate economically.

In addition to the higher costs to business, Government also pays higher costs due to greater truck use of the highway system. For every 100 railroad cars filled with corn that we take out of commission, our deteriorating roads will have to endure 387 more trucks.

Some say that railroads are not a Federal responsibility. They say that if a rail line is not profitable, it will be abandoned and if it is profitable, it will be maintained. That simply is not true. A railroad may make money on a line. But, it may not be making as much of a profit as it could make elsewhere. or, a railroad may be in such poor financial shape that it cannot maintain its lines, thus allowing them to fall into disrepair and become more costly to use. Or, poor railroad management can leave shippers without cars, forcing them to use trucks which means there is less revenue earned on the branchline.

Economic systems are not perfect. The value of a branchline to local shippers may be so great that the shippers themselves may want to purchase the line if a railroad chooses to abandon it. But the shippers may not have the resources to put the deal together. The value of a line to grain elevators and farmers may be far more than the salvage value of the track and the land.

The National Conference of State Railway Officials Task Force of the American Association of State Highway and Transportation Officials met several years ago. The report documents classic LRSA cases where light density rail branchlines, abandoned by major railroad companies, have been reorganized as shortlines. These shortlines, equipped with new rolling stock

and their tracks rehabilitated, successfully maintained the economic viability of major regions of their respective States.

On February 28, 1989, the Federal Railroad Administration issued a report called "Deferred Maintenance and Delayed Capital Improvements on Class II and Class III Railroads." It estimates that to meet the rehabilitation needs of such railroads \$408 million beyond what the railroads can afford is necessary. And, I would point out that when a regulatory agency asks how much trackage is in poor repair, they may get low, rather than high, numbers. According to the study, these railroads can meet only 24 percent of their rehabilitation costs with internal funds. And, as the report noted, most of these railroads are operating very efficiently with little ability to further reduce costs.

The more it costs industry to move goods, the less competitive we are as a nation. In my own State of Iowa, the Grain and Feed Association figures that farmers can increase their profit margin 3 to 12 cents per bushel when they ship by rail instead of truck. Now, handling high-volume bulk agricultural products on branchlines is not easy. When the jumbo 100-ton hoppers were introduced, most light duty branchlines were inadequate to handle the loads. To compound the problem, unit train shipments of 25 to 50 cars have become popular and these heavy trainloads place much greater stress on tracks than general train operations.

But, lower product cost and greater competitiveness of rail shippers are directly related to the condition of track maintenance. LRSA rail maintenance has allowed increased operating speeds, reduced derailments, and permitted heavier carloads. These are attributes that shippers can directly translate into fewer cars, shipments that arrive more quickly, and of course, lower costs.

The funds being authorized by this legislation will find many worthy projects. With proper administration, these funds can be used to make the difference on a number of significant lines where the loss of service would be most damaging.

In my home State of Iowa, our State rail division has developed a program which provides for a considerable leveraging of the Federal funds with the State matching the Federal LRSA contribution and often acquiring a 60-percent match of the Government funds from the railroad or the shippers. In some cases, that is not feasible. When loans are issued, the repaid funds go back to the States to be used for new railroad assistance.

Recently, \$900,000 was provided for the rehabilitation of track for the Chicago, Central and Pacific Railroad in Iowa. Those funds were matched by

an equal amount from the State of Iowa and the railroad matched that with \$2.7 million for a total of \$4.5 million.

This is a program that really works. Lines are saved and our entire economy benefits. It deserves to be continued.

I urge that the Local Rail Service Assistance Program be reauthorized.

Mr. PRESSLER. Mr. President, my distinguished colleague from Iowa and I have worked long and hard to breathe new life into the Local Rail Service Assistance [LRSA] Program. Many times during this process, it has seemed like LRSA was at death's door.

But we are here this afternoon to hopefully begin a new life for the program that has done so much to rehabilitate the rail infrastructure of this country in cooperation with State and local governments.

The LRSA Program came about in 1973 as a result of the creation of the Conrail system. A major change in the program occurred in 1978 when the emphasis was placed on preserving lines before abandonment, rather than after.

Under the guidance of the Federal Railroad Administration [FRA], the program provides entitlement funding for planning or project purposes in each of the 50 States. The discretionary portion of the program can be used for project purposes only.

The beauty of LRSA is the cooperation it encourages between Federal and non-Federal sources. As previously administered, the Federal Government contributes 70 percent of the award and another entity must provide the remaining 30 percent. Today's legislation reduces the Federal portion to 60 percent and the remaining contribution to 40 percent.

We are at a time in our Nation's history when attention must be given to the State of infrastructure. Rehabilitation of needy rail lines is especially important to the continued economic viability of rural America. In South Dakota and other States, that means transportation alternatives for agricultural shippers. In other areas, it may mean continued service to a small manufacturing enterprise that finds other modes of transportation cost-prohibitive.

The critical shortage of capital in the railroad industry makes LRSA even more important. Though railroad economic deregulation has led to a healthier industry, it also resulted in the abandonment or reduction of service to many areas. The phenomenon of short-line or regional railroading has developed as an alternative to abandonments or neglected and worn track.

Whenever the subject of LRSA comes up, I am quick to point to a success story in South Dakota that exemplifies the need for this program. In

1986, the Chicago and North Western Railroad attempted to abandon a large amount of track running through the center of South Dakota. The Dakota, Minnesota, and Eastern [DM&E], a regional railroad, was born out of necessity, because maintenance costs on the line were prohibitive for the Chicago and Northwestern. As I mentioned earlier, the regional railroad movement has spread throughout the Nation for these very reasons.

Today, the DM&E operates on track in South Dakota and Minnesota and also reaches into Iowa and North Dakota. Over 100 communities along this system are thankful this line has been preserved. Over 200 customers still have a rail option for transporting their products. And over 100 employees still have jobs.

The key to the DM&E's and other regional railroads' future is rehabilitation, required by years of deferred maintenance. LRSA is an important resource that should continue to be available.

The investment necessary to maintain miles of once-neglected rail lines is staggering and often out of the realm of possibility for these small enterprises. A vice president with the DM&E testified during Commerce Committee hearings on LRSA and gave an excellent example of why LRSA funding is crucial. He said:

If we are to continue to service our debt and to rehabilitate our line, we have to have additional business and revenue. We have to be more profitable in the way we operate. We have to get our costs down and become more efficient. We have to be able to provide cost-effective service to our customers to attract additional traffic.

As the DM&E official said, the railroad had to borrow money to purchase and rehabilitate major portions of the line. The DM&E is out of collateral for further funds. Additional help is absolutely necessary to continue the rehabilitation effort. That help is the LRSA program.

The Federal Railroad Administration has issued a report entitled "Deferred Maintenance and Delayed Capital Improvements on Class II and Class III Railroads." The report estimates that there is a need for at least \$600 million in deferred maintenance to improve the physical plants of the railroads across the country.

Another recent FRA report showed that of the 157 railroads that began operation after 1981, 113 report a need for rehabilitation. That involves nearly 15,000 miles of track that handles almost 1.5 million carloads annually. These rehabilitation needs are estimated to cost \$361 million. Of that amount, only \$95 million can be generated internally. The remaining \$266 million must come from other sources.

The \$10 million for LRSA funding in fiscal year 1989 is a very modest level. This expenditure means a Federal con-

tribution to the continued viability of our Nation's rail infrastructure.

Mr. President, it is ironic to me that, in this Space Age in which we live, where there is talk of high-speed rail transportation in Japan and Europe, and dreams about magnetic levitation trains brought about because of superconductor technology, we still have a freight rail system in deplorable condition. On some track in my State, railroads move at less than 10 miles per hour because of poor track condition. As soon as the snow flies or the ground freezes, which happens every winter in South Dakota, trains cannot even run for fear of derailment.

We must continue our commitment to the rehabilitation of our infrastructure. The LRSA program is one tool available to do just that. I urge my colleagues to lend their support to this important piece of legislation.

I am pleased with the agreement reached today. The \$10 million for fiscal year 1990 will help provide continued rehabilitation assistance to railroads in need.

Mr. HOLLINGS. Mr. President, I appreciate this opportunity to express my support for the Local Rail Service Assistance Program. We must realize that the task Congress set out to accomplish in 1978 when this program began to provide capital assistance for rehabilitation and improvements on light density rail lines before, rather than after abandonment, has not yet been completed.

The need to assist States in continuing rail freight service through the preservation of feeder lines is essential to shippers and communities across this country.

From May 1, 1984, through May 1, 1987, abandonments totaling 8,417 miles occurred. In May 1987 an additional 7,049 miles of railroad were in jeopardy of abandonment. Mr. President, the Nation still needs this program to preserve our rail infrastructure.

In South Carolina, since 1980, LRSA funds have provided the margin of difference between abandonment and the acquisition of a 6-mile line between Marion and Mullins and a 25-mile line between McCormick and Calhoun Falls as well as the rehabilitation of four additional lines. Across this country, over 10,000 miles of railroad have either been purchased or rehabilitated as a direct result of the LRSA program.

Mr. President, these forestalled abandonments are only some of the numerous success stories that can be attributed to the LRSA Program.

I continue to believe that LRSA investments in our rail system serve as a catalyst by providing seed money, by stimulating the economy and by attracting investments by States, railroads and shippers.

While I support S. 255, a 3-year LRSA reauthorization bill approved without objection by the Commerce Committee, I fully endorse the move by Senator HARKIN, the sponsor of this bill, to pass a 1-year reauthorization bill. It is my understanding, that the Reagan administration made a commitment to Senator HARKIN to support \$10 million in funding for LRSA in fiscal year 1989, a commitment supported by the Bush administration. However, I am also aware that the Secretary of Transportation has threatened to recommend a veto of any authorization bill containing appropriations in excess of this amount. Given that we are well into the current fiscal year, I am hopeful that the administration will honor this commitment for funding in fiscal year 1990.

Without congressional action, we would have seen the end of this program. I congratulate Senators EXON, HARKIN, and PRESSLER for their efforts to move this bill and urge my colleagues to support the reauthorization of LRSA to allow this limited Federal expenditure to continue leveraging so few dollars to the benefit of so many States and communities.

Mrs. KASSEBAUM. Mr. President, I am proud to add my name as a cosponsor of S. 255 because of its importance to my home State of Kansas as well as to many other States across the country. The Local Rail Service Assistance Program is a critical program which affects regional rail lines nationwide, and which has a very real impact on the communities that rely on local rail service for continued economic development.

Local rail service is a virtual lifeline in the State of Kansas, and this program is vital for keeping this lifeline operating. Kansas, as well as Nebraska and other midwestern States, faces certain hardships from the decline in regional rail service. This decline is due, in part, to a lack of resources for rail line rehabilitation and maintenance. While other factors figure into this equation of shortline deterioration, such as the question of competitiveness of large railroads that provide local service, I am concerned that local rail capital needs for rehabilitation and acquisition have not been met by a program originally designed for this purpose.

The example of the State of Kansas provides a good illustration of the problem this presents. Despite its 12-year participation in the LRSA program, Kansas is currently facing the loss of some 600 miles of rail track due to local rail abandonments. Kansas transportation officials estimate that, based on the volume of freight being carried by rail lines in the State and the operating costs of the railroads, future rail losses in Kansas come close to 3,000 miles of service by main lines

and branch lines. This equates to more than 40 percent of total rail miles in the State.

This situation has a direct impact on the farming community in Kansas, particularly on the wheat and corn growers, who ship 75 percent and 50 percent, respectively, of their crops by rail. Given the dependency of wheat movement and pricing on rail service, which generally provides cheaper service than truck transportation, the question of whether or not to reauthorize the LRSA is an important one to me and to many Kansans.

While I continue to have some concerns about the way in which funds are apportioned under this program, leaving some States such as Kansas with a shortfall relative to receipts by other States, I do believe that this program is a critical one, and one we should certainly keep alive. In the future, I believe it would be very worthwhile to seriously consider changing the allocation process of funds under this program from a discretionary to a formula basis. This, I believe, would provide a fairer, more equitable approach to assisting the rehabilitation of regional rail lines across the country.

Mr. President, I am encouraged by what appears to be a strong interest in the transportation community to preserve this important program. I share this interest, and look forward to working with my colleagues to help maintain and improve the program.

Mr. SARBANES. Mr. President, I strongly support S. 255, to reauthorize funding for the Local Rail Service Assistance [LRSA] Program. I commend the chairman, Senator HOLLINGS, and members of the committee for bringing the bill to the floor so expeditiously and for the diligent work over the years in assuring that railroads continue to offer their important service to our Nation's industry and commerce.

The Local Rail Service Assistance Program is vital to the continued growth of the Nation's regional railroad network and to the economy of many small communities throughout the United States. Since 1976, it has provided financial support to preserve and revitalize essential rail service. The modest amount of funding made available under the LRSA Program has served as a magnet for State and private moneys and has helped rehabilitate over 13,000 miles of rail line. Without this support, the light density branch lines might be lost to rail line abandonment, severely impacting upon the communities' continued employment and economic health.

For the State of Maryland, the program has been vitally important to the communities of Maryland's Eastern Shore and central and western Maryland, where the freight rail system is a life-line for farming and industry. On the Eastern Shore, the rail system is

essential in the shipment of agricultural goods and other bulk commodities and farmers rely heavily on efficient, low cost rail transport. The system also contributes to the giant Delmarva poultry industry as a major means for transporting feed products. In central and western Maryland, the rail system handles a wide variety of commodities including concrete, stone, wood, and agricultural products and allows a more direct route from the western part of the State into the Baltimore metropolitan market. The LRSA Program has provided funding for the rehabilitation of the Eastern Shore Railroad, helping to ensure the continued operation of the line serving the Delmarva Peninsula. It has also been used effectively by the State to rehabilitate rail grade crossings on the Walkersville to Taneytown lines in the western part of Maryland. Matched with State and local funds, LRSA funds have been extremely helpful in continuing freight rail service to these communities which might otherwise have been lost.

Mr. President, the LRSA Program has proved to be an important investment in our Nation's infrastructure which is still needed and should be continued. Critical improvements must continue to be made to ensure the long-term viability of many of the light density rail lines. I urge approval of S. 255 reauthorizing this program and hope that the legislation can be swiftly enacted.

Mr. SASSER. Mr. President, I am pleased to join with my colleagues today in supporting the reauthorization of the Local Rail Service Assistance Program.

The Local Rail Assistance Program has enabled many communities across the Nation—including many in my own State of Tennessee—to maintain rail service that otherwise would have been lost. This program is vital to the economic well-being of the communities involved.

When a railroad abandons a branch line it does so for what it considers sound economic reasons. Either the line is not making a profit or enough of a profit to make it worth while for the railroad to maintain that line.

These branch lines may not seem important when we look at the major rail systems in the United States. They are usually very short—often under 100 miles long. The lines are, however, vital to the communities they serve.

Often, these branch lines serve one county, or even one community. In many rural areas of Tennessee, one company is the major employer—and major tax base—in the community. The business is often totally dependent on that branch line to move its goods to market. All too often, the abandonment of a branch line is quickly followed by the closing of local in-

dustries and their relocation to an area with rail service.

The Local Rail Assistance Program has enabled communities to retain these businesses and attract new ones. It is often difficult for local communities and industries to raise the funds to take over an abandoned line. However, with just a little assistance these branch lines can remain viable and keep industries and jobs in our local communities. For this, the Local Rail Assistance Program is critical.

Sometimes this assistance takes the form of a grant. Other times, a low-interest loan enables the community to leverage local funds and create a viable short-line railroad. This not only preserves current jobs in our communities, it maintains the infrastructure that enables a community to attract new industries.

I must say, there are other railroad issues which we need to address. One is the rates paid by the short-line railroads to the larger carriers. The Interstate Commerce Commission definitions of revenue adequacy and captive shipper need serious review by Congress. It is still virtually impossible for a short-line railroad to obtain rate relief under the FCC's current interpretation.

It is a mockery to promise rate relief to small railroads and then by the definitions in regulations to make it impossible to obtain. I believe this is an area where the FCC needs further direction from Congress.

Another railroad issue that Congress needs to address is the difficulties experienced by communities that are dependent on one very short rail line. Many such communities are attempting to maintain very short rail lines that are vital to their businesses.

We are currently facing this exact problem in my State of Tennessee. Officials and businesses in Cumberland County are presently trying to structure a short-line railroad from a proposed abandonment. The track involved is only 12½ miles long. It is really too small a track for a profitable short-line operation, but it is vitally important to the town of Crossville.

This branch line is critical for current businesses in moving their goods to market. It is equally important to Cumberland County in its effort to attract new industry and new jobs. As one official of a prospective business said bluntly: "No industry will consider locating in an area where rail service is not available."

My concern is that the accumulation of these small abandonments will, over time, constitute a serious destruction of our national rail network. I intend to pursue this particular problem with the appropriate committees.

So, today's reauthorization is a first critical step in maintaining a truly national rail network. I commend the

Senator from Iowa for his hard work on this measure and I look forward to working with him on these other rail issues in the months to come.

Mr. DASCHLE. Mr. President, I am pleased to rise in strong support of reauthorizing the Local Rail Service Assistance Program. I am proud to be a cosponsor of this important legislation.

I want to take this opportunity to commend my distinguished colleague from Iowa [Mr. HARKIN] for his leadership in bringing this crucial issue to the Senate floor. Those of us who work with him on a daily basis have come to count on his unyielding efforts on behalf of rural America, and this bill is one more example of how his diligence and hard work produce results.

LRSA has made the rehabilitation of vital rail lines across America a reality. This effective and efficient program for encouraging local investments in rail service through the use of Federal funds as seed money has clearly demonstrated its worth over and over again.

LRSA is a valuable tool for South Dakota and the Nation as a whole for meeting the serious challenges facing railroads—especially in rural areas. With enhancement of rail shipping capability playing such an indispensable role in an agricultural economy, failure to reauthorize this program would be a damaging blow to the vitality of many rural areas.

In my State, LRSA has been essential to saving existing rail lines. Rail service, in a State whose economy is based on agriculture yet is hundreds of miles from domestic grain markets, could not be more important. When you factor in the distances to export markets, such as the Pacific Northwest ports used by many grain shippers in my State, the necessity of LRSA becomes even clearer—access to rail service is an actual component of the agricultural economy in South Dakota, and in many other States nationwide.

That is why the reauthorization of this program is critical. I can go across South Dakota and point out individual rail lines that, without LRSA, would not be safe to use, would not be efficient, or would not be in operation at all. To a State that had already suffered the loss over half of its rail network, the benefits of LRSA have been nothing short of monumental.

When the impact of this program has on economic vitality of entire regions of the Nation, not to mention the lives of individual farmers, is understood, the need for immediate support of this bill becomes clear. I strongly urge my colleagues to join me in this effort to retain this crucial program for providing badly needed rail service across this Nation.

Mr. EXON. Mr. President, I am pleased that the Senate has scheduled time for consideration of S. 255, a bill to reauthorize appropriations for the Local Rail Service Assistance Program [LRSA] for fiscal years 1989, 1990, and 1991. As chairman of the Surface Transportation Subcommittee, I would like to commend the members of the Senate Commerce Committee for their concerted efforts to move this bill expeditiously through the committee. I would like to congratulate my distinguished colleague from Iowa [Mr. HARKIN] for his tireless leadership on this issue as well as Senators PRESSLER, BURDICK, ROCKEFELLER, and SIMON, among others.

This legislation, which was introduced by Senator HARKIN and on which I joined eight of my colleagues as an original cosponsor, reauthorizes LRSA for 3 years at levels which take into consideration current budget constraints as well as the need that still exists for funding to assist States in preserving efficient rail transportation.

As many of you from States with large rural areas know, the railroads have been abandoning marginal light density rail lines, some of which have survived as shortlines. However, as the railroads, spinoff lines which are marginal but potentially profitable, these lines are being purchased by entrepreneurs who are forming shortline railroads.

Mr. President, the structure of our railroad system continues to be in transition now as it was 13 years ago when Congress acted to expand the LRSA Program to include all States. However, a 3-year reauthorization bill approved by the Commerce Committee as well as a House-passed measure that would have reauthorized the program at a \$10 million level for fiscal year 1989 where both are prevented from being considered on the Senate floor at the end of the 100th Congress. This year, the administration has agreed to honor a commitment made by the Reagan administration to support \$10 million to fund the program in fiscal year 1989, if LRSA is reauthorized. However, the administration opposes funding the LRSA Program beyond this amount, in part, because States and private interests are now more significantly supporting rail needs than is the Federal program. I would submit that this is a direct result of the LRSA Program. Nationally, over 10,000 miles of railroad have either been purchased or rehabilitated as a direct result of LRSA.

The LRSA Program as it is structured currently requires that 30 percent of the funding come from non-Federal sources for rehabilitation projects. In practice, the States, railroads, and shippers have often provided many times the amount required for this match. However, in a consider-

able number of cases these funds would not have been made available without Federal funds. In my own home State of Nebraska, some of the projects assisted by LRSA funds include rehabilitation of the 30-mile Chicago and Northwestern line between Long Pine and Stuart, rehabilitation of the Sidney and Lowe Railroad between Huntsman and Brownson, and emergency repair of the flood-damaged Burlington Northern line between Burress and Milligan.

Not only does S. 255 reauthorize funding, it seeks to achieve the most mileage with limited Federal funds, by reducing the Federal share of the matching formula from 70 to 60 percent. The Senate have no objection to the formula change.

Though I support passage of a 3-year reauthorization bill for the Local Rail Service Assistance Program [LRSA], I, along with Senator HARKIN and other supporters of the LRSA Program recognize the importance of ensuring funding for one additional fiscal year. The administration has agreed to support \$10 million in funding for fiscal year 1989. We are hopeful that this commitment will extend instead, to \$10 million in funding in fiscal year 1990.

It is my belief that the Federal Government has a responsibility to continue its partnership with State and local governments, to preserve rail freight service in areas of the country where continued service is in jeopardy. Therefore, I will pursue multiple options to achieve this end. Today our highest priority is to ensure that LRSA funds are available to the States in fiscal year 1990 to meet the needs we know they currently have. This amendment will accomplish this objective and therefore I lend my support.

It is also my intention to continue to work to reauthorize funding for this program for additional years.

I urge the Members of this distinguished body to support the continuation of the LRSA Program in order to minimize the adverse effects of rail abandonments and to address the critical rehabilitation needs of our rail freight facilities. LRSA has, and should be allowed to continue to improve the competitive posture of our national, State, and local economies.

Mr. BYRD. Mr. President, I am pleased to support the reauthorization of the Local Rail Service Assistance Act [LRSA]. This legislation would reauthorize this important program for 1 year.

The LRSA Program provides for the acquisition of rail lines that have received Interstate Commerce Commission [ICC] abandonment authority; rehabilitation of light density rail freight lines; and rail facility construction with respect to light density lines.

My own State of West Virginia has greatly benefited from this program. In February 1989, the rehabilitation of the 3½-mile Wheeling terminal industrial line, which includes the Chapline Tunnel, was completed. This \$937,400 rehabilitation project has allowed continued rail service to the Blaw-Knox Foundry, the largest manufacturing employer in the city of Wheeling.

The South Branch Valley Railroad, a 52-mile short line that runs between Green Spring in Hampshire County through Moorefield in Hardy County to Petersburg in Grant County, was originally rehabilitated through the Local Rail Service Assistance [LRSA] Program. During the 1985 flood that struck most of West Virginia, the South Branch Valley Railroad received extensive damage. The LRSA Program aided the West Virginia Railroad Maintenance Authority's rehabilitation of this line, which is vital to the poultry industry in West Virginia's eastern panhandle, and its return to an operable condition.

The LRSA Program has been a good program for West Virginia, and for the Nation. It is a small railroad infrastructure program that is needed. Senator HARKIN has been a leader on this issue, and I commend him for his continued efforts to reauthorize the LRSA Program. I support this program, and I urge my colleagues to support this legislation.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 109) was agreed to.

Mr. FOWLER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 255

*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 "Local Rail Service Assistance Reauthorization Act of 1989".*

SEC. 2. (a) The second sentence of subsection (q) of section 5 of the Department of Transportation Act (49 App. U.S.C. 1654(q)) is amended—

(1) by striking "and" immediately after "1987.";

(2) by striking the period at the end and inserting in lieu thereof a comma; and

(3) by adding at the end the following: "and not to exceed \$10,000,000 for the fiscal year ending September 30, 1990."

(b) The last sentence of such subsection (q) is amended by striking "1988" and inserting in lieu thereof "1990".

SEC. 3. Section 5(g) of the Department of Transportation Act (49 App. U.S.C. 1654(g))

is amended by striking "70 per centum" and inserting in lieu thereof "60 per centum".

Mr. FOWLER. Mr. President, I move to reconsider the vote by which the bill as amended, was passed.

Mr. GORTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### ORDER OF PROCEDURE

Mr. FOWLER. Mr. President, I ask unanimous consent that at the conclusion of the session this evening, that the distinguished Senator from Hawaii [Mr. MATSUNAGA] be granted 10 minutes in which to speak followed immediately by the Senator from Washington [Mr. GORTON] for 15 minutes.

At the conclusion of the remarks of the two Senators, I ask unanimous consent that the Senate stand in recess under the provisions of Senate Resolution 137 until 8:30 a.m., June 1st.

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

The Senator from Hawaii is recognized.

#### CLAUDE PEPPER: FOLK HERO FOR THE AGES

Mr. MATSUNAGA. Mr. President, it is with a heavy heart that I rise to pay tribute to the memory of a folk hero for the ages, a dear friend and colleague, the Congressman from Florida's 18th Congressional District, CLAUDE PEPPER, who died yesterday at the age of 88 years.

At the ceremonies earlier this year marking the Congressional Bicentennial a speaker made the observation that the career of one of our members, present that day, spanned more than a quarter of the 200 years Congress has existed. He was speaking, of course, of CLAUDE PEPPER, who was elected to this body, the Senate, in November of 1936, the last of the New Deal Democrats and one who inspired those of my generation to public service here in Washington.

Mr. President, as the oldest Member of either House, he was not only the last of the era of President Franklin Delano Roosevelt, he was one of the great figures of that era—as well as of our own.

He championed the great social legislation of this century: Social Security, especially, but also health care insurance from the beginning, a minimum wage, and abolition of the poll tax. Remarkably, during the 56 years after he was first elected to Congress, his power and influence as a preeminent liberal lawmaker of the 20th century never eroded. His position was only strengthened, as the print and electronic media have affirmed in recent years.

When I first sought a seat in the United States Congress in 1962, my five-point platform included aid for the aged. It was my firm belief then that the greatness of any nation can be accurately measured by the degree to which it cares for its elderly citizens. My belief has only gained greater conviction over the years. But it was CLAUDE PEPPER who called this great country of ours to a renaissance of greatness in his role as the first chairman of the House Select Committee on Aging from 1977 to 1983. It was he who sensitized a nation to aging stereotypes and cut the bonds of compulsory retirement whereby the experience and energies of senior citizens have been reclaimed for the commonwealth of American society. He was as vigorous in rooting out prejudice in our society as an octogenarian as he was fighting racial bigotry without regard to his political career in his twenties and thirties. Is it any wonder, then, that he was my hero, as he was a folk hero to millions of older Americans and, indeed, of people throughout the world?

While he is most highly recognized for the great achievements in domestic statecraft of the last half century, he was an inveterate world traveler, whose mark on foreign policy dates back to the Lend Lease Program whereby the United States came to the rescue of democracy in World War II. Incredibly, Mr. President, this man, who knew Hitler and Stalin in person, warned FDR in 1938 that the rise of nazism in Germany would lead to that war.

One of my earliest joys as a Member of Congress was growing to know CLAUDE PEPPER, who was already a historic figure from the New Deal and McCarthy eras before I arrived here 27 years ago. I relished his droll humor and southern comradery and learned we had much in common: We were both born to rural poverty but thanks to hard work and our country's open society, we were able to gain an education, purchased through manual labor and stints as public school teachers. Moreover, we were able to gain entry to, and win credentials from, Harvard Law School. Then, from the practice of law and service in our respective State legislatures, we were able to work our way here to our Nation's Capital. For me, one of the greatest rewards of that long journey was to fulfill my aim of working for aid to the aged alongside this hero of my youth, who after serving in the Senate, returned as a member of the House in my own Class of 88.

Today, Mr. President, we are told that morale on Capitol Hill is at an all-time low, that fractious partisanship is tearing apart the other Chamber, where our former Senate colleague returned to serve with such distinction.

If life on this Hill has, indeed, lost much of its savor, it would be well for all of us, regardless of party, to reflect on the record of CLAUDE PEPPER, whose legacy has been to add the spice of mature life to the national work force. Surely, he was no stranger to partisan strife and experienced, as few of us here have, the slings and arrows of political fortune. And yet, having served his country in its most prestigious deliberative body, he chose to return to its supposedly lower one and to serve all the people of this great land all over again. There is only one other American statesman whose dedication to public service rivals CLAUDE PEPPER's example. And John Quincy Adams bore a family name synonymous with service to country.

Mr. President, I mourn with the Nation the passing of my dear friend and mentor, CLAUDE PEPPER. But I rejoice for having had this living legend as a colleague and coworker.

When asked in a recent public interview how he would wish to be remembered, he responded:

As an honest, hardworking man, striving for the benefit of those in need.

CLAUDE PEPPER will surely be remembered as such and even more.

The PRESIDING OFFICER. The Chair recognizes the Senator from the State of Washington.

#### ON THE OFFICIAL FUNDING OF RELIGIOUS BIGOTRY

Mr. GORTON. Mr. President, seldom in public life does one encounter problems more vexing or consequential than those in which the interests of the state conjoin or run against the practice and principles of art or religion. It is not possible simply to render unto Caesar what is Caesar's and unto Christ what is His, for the sacred and the profane are as thickly intertwined as twisting vines. They have been always and they always will be.

The difficulty arises partly because the language of politics is not deep enough to address profound questions of art and religion, and often when it intrudes upon them it extinguishes their lights. Though politics require definition, art by its very nature eludes it and religion is often beyond it. Should a controversy also incorporate, as does the one I am about to address, questions relating to free speech, the limits of government, and sacrilege, the problem may appear intractable. This one, however, is not intractable, if the will to make distinctions overcomes the will to be outraged.

I shall tell you what happened. First, Americans were taxed, which is no more surprising nor less certain than the rising of the Sun. Revenue came freely from a vast number of households, individuals, and corporate

entities. Like water flowing into the Mississippi after spring rains, it swelled into the muddy, omnipotent, self-perpetuating torrent that we call the budget. If the Mississippi grew like the budget, Denver would soon be under water. Instead of running randomly into the Gulf of Mexico, this river of money poured into the District of Columbia, where you and I divided it up and sent it back again. Not only was much energy wasted in the round trip, but by your actions many places that had been wet became unjustly dry, and many places that had been rightfully dry were soaked.

Of this wealth collected from nearly every human being in the land, a certain portion went to the National Endowment for the Arts. Fair enough, I suppose. It was in turn divided up, of necessity, I admit, by people who are appointed rather than elected. Fair enough, I guess. Some went to the Awards in the Visual Arts, Program 7, or AVA-7, and was then entrusted to the Southeastern Center for Contemporary Art, or SECCA. Again fair enough, although, you may note, the acronyms have begun. SECCA then entrusted it to a five-member jury of artists and curators. This jury then chose 10 artists, each of whom received a \$15,000 fellowship and the exhibition of his work in the AVA-7 show in Los Angeles and several other cities. One of the ten artists, Andres Serrano, chose to exhibit a picture that he had submitted to the jury and that it had used as part of the basis for awarding him the fellowship. The picture is entitled "Piss Christ," so called that because it depicts Jesus on the cross, submerged in urine. Mr. Serrano is reported to have declared that his next step would be to submerge the suffering Christ in semen. Not fair.

Mr. President, I do not claim to fathom the rationalizations for much contemporary visual art. Given that one of the most generously reviewed exhibitions of recent times was the artist Judy Chicago's mixed media depictions of female genitalia arranged on dinner plates, and that one of the masterpieces of conceptual art was minted as the artist himself was thrown out of a window into a tremendous pile of horse manure, am I supposed to? I believe I speak for the common man and the uncommon intellectual when I confess my indifference, at best, to these heroics.

They originate not only in nihilism but in the more innocent misconception that the great philosopher of aesthetics Benedetto Croce called the intellectualist error. A lesser philosopher put it this way, "If you've got a message, send a telegram." Croce, however was more thorough. "Confusions between the methods of art and those of the philosophic sciences," he stated, "have been frequent. Thus it

has often been held to the task of art to expand concepts, to unite the intelligible with the sensible, to represent ideas of universals; putting art in the place of science." But this, what he called "the theory of art as supporting theses," he rejected, for he believed that "Aesthetic consideration \* \* \* pays attention always and only to the adequateness of expression, that is to say, to beauty."

The intellectualist error leads almost without fail to abuse. If artists are to be pedagogues, they will want to wake up their sleepy and foolish students; that is, everyone in the world, and, on occasion, to shock and to offend them. Croce writes of an artist who "may try to conceal his internal emptiness in a flood of words \* \* \* in painting that dazzles the eye, or by heaping together great architectural masses which arrest and astonish us."

This practice is no longer aberrant, it is a way of life, and sometimes one can hardly determine if a contemporary artist is contributing to the development of art or to the history of publicity. George Bernard Shaw wore a shiny green suit to the theater, to attract attention to the fact that he wrote plays. The strategem was so potent that it has worked its way through our century down to this day, and the suit's the thing now; you don't have to bother about the plays.

Mr. Serrano, no doubt, wants publicity, and he is getting it. Indeed, I am giving it to him. His trick is to make his opponents, in their attempt to drown him, pour so much water into the lock that they raise up his boat. And then he tells them what he's doing, mainly for the thrill of it, but also because it is certain to open the sluice for more. To quote Mr. Serrano,

I feel when people attack a work of art to such a great extent, they imbue it with a far greater power than when they ignore it and, in that, I'm flattered that they think it deserves such attention.

This declaration is obviously calculated to do to his critics what banderillas do to a bull—irritate them, weaken them, drive them wild.

I cannot think of a better response to this calculated provocation than to quote the consummate artist, William Shakespeare, whose Hamlet expresses indignation at something very similar.

Why, look you now, how unworthy a thing you make of me! Hamlet says.

You would play upon me, you would seem to know my stops, you would pluck out the heart of my mystery, you would sound me from the lowest note to the top of my compass \* \* \* do you think I am easier to be played on than a pipe? Call me what instrument you will, though you can fret me, you cannot play upon me.

Now, you know my opinion of the tradition Mr. Serrano exploits, and you know I believe that absent didacticism, gimmickry, shock, and mockery, works such as his have a tendency to

disappear. But this is not a bullfight and he is not a matador. I know that the heart of his strategy depends on the overreaction of those who would by instinct and passion suppress his sacrilege as readily as they would defend their own children, for, indeed, he has assaulted that which they hold most holy, sacred, and dear.

But, no. I refuse to enter that trap, and will not allow him or his partisans to cloud his abuse by diverting the issue to that of freedom of expression. He has the right to display his picture. There is no question that he has that right. It is almost absolute. I would sell my grandmother, shoot my dog, what have you, before I would fail to defend that right. On February 22 of this year, in my remarks concerning the Rushdie affair, I made clear that I hold to his position and that I do so in service of what I believe is a vital and fundamental principle. And in the case of Mr. Serrano, as is in the case of Mr. Rushdie, neither the transparency of his intentions nor the quality of his work can prejudice it.

Let us even assume, for the sake of argument, hypothetically, as a fiction, a conjecture, a speculation, a purely academic exercise, that his picture is a great work of art. Great works of art can be sacrilegious: not only in theory, but in fact. For example, Michelangelo's statue of Moses is fitted with a pair of horns. Generations and generations of Jews have been stung by that, but the statue, without a doubt, is great art. So let us assume, for the sake of argument, that Mr. Serrano's picture which is deeply offensive to Christians, is of the same caliber as Michelangelo's Moses, which is deeply offensive to Jews. What is the role of the state in these matters? Does it dare subsidize sacrilege? Does it dare not subsidize Michelangelo?

The answer touches upon the question of the limits of government, which is right and proper both for the Chamber and for our time, and the answer is clear. The state must confine itself to its own interests, and art must be free. Neither subsidy nor censure are appropriate, for the state, with its unrivaled power, must not take sides in purely symbolic disputes. This judgment has honorable origins, a long history, a basis in reason, and several illustrative parallels.

It would be relatively easy to preclude SECCA from receiving Government funds on other, more practical grounds. In this matter the layers of unaccountability are much like those of shell corporations established on islands that vanish at high tide. Passing from the constituent to the Treasury, to the NEA, to SECCA, through the panel of judges, to laureate, the money flows freely, with neither obstruction nor delay, from citizen to Serrano. But what of traffic in the other direction? Does any kind of ac-

countability run the other way? No. At every step, as in the famous Thomas Nast cartoon of the Tweed ring, someone is pointing a finger at someone else and saying, "We can't possibly interfere with the artistic choices made by our grantees." To cite part of a letter I received from the NEA, "This limitation reflects concern that Federal funding for the arts would result in government intervention in the substance of artistic projects."

I ask you, is a \$15,000 fellowship, a traveling exhibition, and the imprimatur of and association with the National Endowment for the Arts something that is neutral? Is it of no effect? If it is, what is its purpose? And if it is, as anyone can see, the promotion and advancement of one artist as opposed to another, of his work and of his philosophy, of his style and approach, how can providing support be less as "intervention in the substance of artistic projects" than would be withdrawing support?

The Government and its compensated agents choose. They must choose; they have no other means of accomplishing the distribution. And to make the choice, they must have criteria and they must exercise their judgment. How can it be that if the people who provide funds for this program—the taxpayers—are spurred to exercise their judgment and proffer their criteria, it is to be criticized as intervention, whereas if the judges and the panels do the same, it is not? We are told that if the citizenry has predilections, leanings, principles, convictions, an aesthetic, they must be held in abeyance for fear of intervention. But if the judges have predilections, leanings, principles, convictions, an aesthetic, they may be exercised, for that is freedom of expression.

The scheme I have outlined, or, rather, uncovered, is one manifestation of the principle that the bureaucracy wields more power than those who have empowered it. It depends upon an inequality in the flow of funding and accountability, an inequality sustained by bureaucratic faith in contradictions and inconsistencies that are so obvious as to be surreal.

Where is the consensus for "Piss Christ"? Is there anyone in this body who will stand to declare that Americans should subsidize religious bigotry? Is there anyone who will declare that this is not religious bigotry? What will the NEA pay for next? A mockery of the Holocaust? A parody of slave ships? A comedy on the decimation of the American Indian? A satire of the massacre in the Katyn Forest?

To those who might say that for the Government to remain disengaged from things like "Piss Christ" is to limit freedom of expression, I say that to assert this is merely to transform high principles into stepping stones

that lead to the public trough. The ill-considered reasoning behind such an argument is that if the Government does not nurture people like Mr. Serrano it is therefore oppressing them. This view, I submit, is a self-serving belief in a political principle that does not exist; namely, that the state owes all things to all people and has neither the discretion nor the moral right to abstain from any facet of activity or to reject any petitioning for funds.

To the contrary, government requires, above all, and almost always, discretion. The least of the examples I can think of is that Mr. Serrano was competing with 500 other artists. The Government chose 10 and rejected 490. So much for the myth that it cannot bring its discretion to bear.

My view is founded on the conviction that good government is a matter as much of restraint as of action. By the kind of encouragement the NEA offered to the creator of "Piss Christ," the state usurps its citizens' independence and self-sufficiency and therefore the power and effectiveness of the Government itself, which derives in turn from these very qualities.

And in offering this species of encouragement, the Government takes sides—in esthetics, in philosophy, in politics, and, in this case, in a theological dispute, for no matter how poor and distasteful Mr. Serrano's argument, it is nonetheless, at least symbolically, a religious argument, and the Government of the United States should not take sides in religious arguments. Here, by subsidizing one of the parties, it has done so, and that is wrong.

We have in the Constitution a direct prohibition of established religion. By immediate inference, this means that we cannot diminish one religion, lest another, the one unburdened, rise out of proportion.

If art and religion are to be free of state influence, then they must indeed be free of state influence. If they are to be free of censure, they cannot depend on subsidy. As for the religious bigotry here in question, sacrilege exists; it will always exist; and it is not the business of the Government of the United States to root it out. But neither is it the business of the United States to support it. Though Mr. Serrano and SECCA may enjoy near perfect liberty from constraint, they cannot expect the privilege of requiring the support of those from whom they desire noninterference, for that is tyranny. I propose that the Government of the United States withdraw from the question entirely, that it separate itself, its influence, its resources, its finances, from SECCA and Mr. Serrano, allowing them the near perfect liberty to reflect upon what they have done, liberty unimpeded by further U.S. Government support.

Mr. President, I propose that the NEA deprive SECCA of Federal funding for a period of say 5 years, and until such times as it is obvious that SECCA is administered responsibly. Moreover, if the NEA finds itself unable to take such a momentous step, this Congress should expressly prohibit NEA from providing such support.

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 46

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on May 23, 1989, during the recess of the Senate, received the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I hereby report to the Congress on developments since the last report of November 15, 1988, concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170 of November 14, 1979, and matters relating to Executive Order No. 12613 of October 29, 1987. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9. This report covers events through March 28, 1989, including those that occurred since the last report under Executive Order No. 12170 dated November 15, 1988. That report covered events through October 1, 1988.

1. Since the last report, there have been no amendments to the Iranian Assets Control Regulations, 31 C.F.R. Part 535 (the "IACRs"), or the Iranian Transactions Regulations, 31 C.F.R. Part 560 (the "ITRs"), administered by the Office of Foreign Assets Control ("FAC"). The major focus of licensing activity under the ITRs remains the importation of certain non-fungible Iranian-origin goods, principally carpets, which were located outside Iran before the embargo was imposed, and where no payment or benefit accrued to Iran after the effective date of the embargo. Since October 1, 1988, FAC has made 583 licensing determinations under the ITRs.

Numerous Customs Service detentions and seizures of Iranian-origin goods (including carpets, caviar, dates, pistachios, and gold) have taken place, and a number of FAC and Customs investigations into potential violations of the ITRs are pending. Several of the seizures have led to forfeiture actions and imposition of civil monetary penalties. An indictment has been

issued in the case of *United States v. Benham Tahriri*, which is now pending in the United States District Court for the District of Vermont.

2. The Iran-United States Claims Tribunal (the "Tribunal"), established at The Hague pursuant to the Claims Settlement Agreement of January 19, 1981 (the "Algiers Accords"), continues to make progress in arbitrating the claims before it. Since the last report, the Tribunal has rendered 22 awards, for a total of 418 awards. Of that total, 308 have been awards in favor of American claimants: 193 of these were awards on agreed terms, authorizing and approving payment of settlements negotiated by the parties, and 115 were decisions adjudicated on the merits. The Tribunal has dismissed a total of 25 other claims on the merits and 56 for jurisdictional reasons. Of the 29 remaining awards, two represent withdrawals and 27 were in favor of Iranian claimants. As of March 28, 1989, awards to successful American claimants from the Security Account held by the NV Settlement Bank stood at \$1,136,444,726.00.

As of March 28, 1989, the Security Account has fallen below the required balance of \$500 million 25 times. Each time, Iran has replenished the account, as required by the Algiers Accords, by transferring funds from the separate account held by the NV Settlement Bank in which interest on the Security Account is deposited. Iran has also replenished the account once when it was not required by the Accords, for a total of 26 replenishments. The most recent replenishment as of March 28, 1989, occurred on March 22, 1989, in the amount of \$100,000, bringing the total in the Security Account to \$500,011,034.15. The aggregate amount that has been transferred from the interest account to the Security Account is \$624,698,999.39. The amount in the interest account as of March 28, 1989, was \$128,220,636.82.

Iranian and U.S. arbitrators agreed on two neutral arbitrators to replace Professor Karl-Heinz Bockstiegal and Professor Michael Andre Virally, who had submitted letters of resignation. On December 16, 1988, Professor Bengt Broms of Finland replaced Professor Bockstiegal as Chairman of Chamber One, and on January 1, 1989, Professor Gaetano Arangio-Ruiz of Italy replaced Professor Virally as Chairman of Chamber Three. Professor Bockstiegal had also served as President of the Tribunal. After Iran and the United States were unable to agree on a new President of the Tribunal, former Netherlands Supreme Court Chief Judge Charles M.J.A. Moons, the appointing authority for the Tribunal, appointed Professor Robert Briner to the position on February 2, 1989. Professor Briner, who has been a member of the Tribunal

since 1985, will continue to serve as Chairman of Chamber Two.

3. The Tribunal continues to make progress in the arbitration of claims of U.S. nationals for \$250,000 or more. Over 68 percent of the nonbank claims have now been disposed of through adjudication, settlement, or voluntary withdrawal, leaving 169 such claims on the docket. The largest of the large claims, the progress of which has been slowed by their complexity, are finally being decided, sometimes with sizable damage awards to the U.S. claimant. Since the last report, nine large claims have been decided. One U.S. company received an award on agreed terms of \$10,800,000.

4. The Tribunal continues to process claims of U.S. nationals against Iran of less than \$250,000 each. As of March 28, 1989, a total of 362 small claims have been resolved, 82 of them since the last report, as a result of decisions on the merits, awards on agreed terms, or Tribunal orders. One contested claim has been decided since the last report, raising the total number of contested claims decided to 24, 15 of which favored the American claimant. These decisions will help in establishing guidelines for the adjudication or settlement of similar claims. To date, American claimants have also received 56 awards on agreed terms reflecting settlements of claims under \$250,000.

The Tribunal's current small claims docket includes approximately 185 active cases. It is anticipated that the Tribunal will issue new scheduling orders later this spring to bring its active docket to approximately 225 active cases.

5. In coordination with concerned government agencies, the Department of State continues to present United States Government claims against Iran, as well as responses by the United States Government to claims brought against it by Iran. Since the last report, the Department has filed pleadings in eight government-to-government claims, and presented one claim at a hearing before the Tribunal. In addition, two claims have been settled.

6. Since the last report, nine bank syndicates have completed negotiations with Bank Markazi Jomhuri Islami Iran ("Bank Markazi," Iran's central bank) and have been paid a total of \$11,235,741.87 for interest accruing for the period January 1-18, 1981 ("January Interest"). These payments were made from Dollar Account No. 1 at the Federal Reserve Bank of New York ("FRBNY"). Moreover, under the April 13, 1988, agreement between the FRBNY and Bank Markazi, the FRBNY returned \$7,295,823.58 of Iranian funds to Bank Markazi. That transfer represents the excess of amounts reserved in Dollar Account No. 1 to pay off each bank

syndicate with a claim for January interest against Bank Markazi.

7. The situation reviewed above continues to implicate important diplomatic, financial, and legal interests of the United States and its nationals and presents an unusual challenge to the national security and foreign policy of the United States. The Iranian Assets Control Regulations issued pursuant to Executive Order No. 12170 continue to play an important role in structuring our relationship with Iran and in enabling the United States properly to implement the Algiers Accords. Similarly, the Iranian Transactions Regulations issued pursuant to Executive Order No. 12613 continue to advance important objectives in combatting international terrorism. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

GEORGE BUSH.

THE WHITE HOUSE, May 23, 1989.

#### 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 which were referred to the appropriate committees and withdrawals.

(The nominations and withdrawals received today are printed at the end of the Senate proceedings.)

#### EXTENSION OF CERTAIN SECTIONS OF THE TRADE ACT—MESSAGE FROM THE PRESIDENT—PM 47

The Presiding Officer laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

*To the Congress of the United States:*

I hereby transmit the documents referred to in Subsection 402(d)(5) of the Trade Act of 1974 with respect to a further 12-month extension of the authority to waive Subsections (a) and (b) of Section 402 of the Act. These documents constitute my decision to continue in effect this waiver authority for a further 12-month period.

I include as part of these documents my determination that further extension of the waiver authority will substantially promote the objectives of Section 402. I also include my determi-

nation that continuation of the waivers applicable to the Hungarian People's Republic and the People's Republic of China will substantially promote the objectives of Section 402. The attached documents also include my reasons for extension of the waiver authority, and for my determination that continuation of the waivers currently in effect for the Hungarian People's Republic and the People's Republic of China will substantially promote the objectives of Section 402.

GEORGE BUSH.

THE WHITE HOUSE, May 31, 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 May 23, 1989, received a message from the House of Representatives announcing that the House has passed the following joint resolution, without amendment:

S.J. Res. 128. Joint resolution authorizing a first strike ceremony at the United States Capitol for the Bicentennial of the Congress Commemorative Coin.

The message also announced that pursuant to the provisions of 22 U.S.C. 276d, the Speaker appoints Mr. WALSH to the United States delegation to attend the meeting of the Canada-United States Interparliamentary Group, vice Mr. MARTIN of New York, resigned.

#### MESSAGE FROM THE HOUSE

At 2:24 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2402) making supplemental appropriations for the Department of Veterans' Affairs for the fiscal year ending September 30, 1989.

The message also announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 498. An act to clarify and strengthen the authority for certain Department of the Interior law enforcement services, activities, and officers in Indian country, and for other purposes;

H.R. 932. An act to provide for the settlement of land claims and the resolution of certain issues of governmental jurisdiction, of the Puyallup Tribe of Indians in the State of Washington, and for other purposes;

H.R. 1414. An act to provide for the appointment of enlisted members of the Armed Forces to the American Battle Monuments Commission;

H.R. 2072. An act making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes.

H.R. 2344. An act to authorize the transfer to the Republic of the Philippines of two excess naval vessels;

H.J. Res. 131. Joint resolution to designate May 25, 1989, as "National Tap Dance Day"; and

H.J. Res. 280. Joint resolution increasing the statutory limit on the public debt.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 136. Concurrent resolution expressing the sense of the Congress on the movement for democracy in China.

A message from the House of Representatives announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 139. Concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Claude Pepper.

The message also announced that the House has agreed to the following resolution:

H. Res. 163. Resolution relative to the death of the Honorable Claude Pepper, a Representative from the State of Florida.

#### ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 128. Joint resolution authorizing a first strike ceremony at the United States Capitol for the Bicentennial of the Congress Commemorative Coin.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. BYRD).

#### MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 498. An act to clarify and strengthen the authority for certain Department of the Interior law enforcement services, activities, and officers in Indian country, and for other purposes; to the Select Committee on Indian Affairs.

H.R. 1414. An act to provide for the appointment of enlisted members of the Armed Forces to the American Battle Monuments Commission; to the Committee on Veterans' Affairs.

H.R. 2072. An act making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes; to the Committee on Appropriations.

H.R. 2344. An act to authorize the transfer to the Republic of the Philippines of two excess naval vessels; to the Committee on Armed Services.

H.J. Res. 131. Joint resolution to designate May 25, 1989, as "National Tap Dance Day"; to the Committee on the Judiciary.

H.J. Res. 280. Joint resolution increasing the statutory limit on the public debt; to the Committee on Finance.

### REPORTS OF COMMITTEES RECEIVED DURING RECESS

Under the authority of the order of the Senate of May 18, 1989, the following reports of committees were submitted on May 25, 1989:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources with an amendment in the nature of a substitute:

S. 85. A bill to authorize the acceptance of certain lands for addition to Harpers Ferry National Historical Park West Virginia (Rept. No. 101-32).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources with amendments:

S. 694. A bill to amend the Energy Policy and Conservation Act to Extend the Authority for the Strategic Petroleum Reserve and for other purposes (Rept. No. 101-33).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources without amendment:

S. 750. A bill extending time limitations on certain projects (Rept. No. 101-34).

H.R. 964. A bill to correct error in Private Law 100-29 (relating to certain lands in Lamar County, Alabama) (Rept. No. 101-35).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources with amendments:

H.R. 999. A bill to amend the Act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic property throughout the Nation, and for other purposes (Rept. No. 101-36).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 605. A bill to authorize appropriations for the Consumer Product Safety Commission, and for other purposes (Rept. No. 101-37).

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 783. A bill to amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and non-price controls on the first sale of natural gas and to make technical and conforming amendments to such Act (Rept. No. 101-38).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

H.R. 1722. A bill to amend the Natural Gas Policy Act of 1978 to eliminate wellhead price controls on the first sale of natural gas, and to make technical and conforming amendments to such Act (Rept. No. 101-39).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 169. A bill to amend the National Science and Technology Policy, Organization, and Priorities Act of 1976 in order to provide for improved coordination of national scientific research efforts and to provide for a national plan to improve scientific understanding of the Earth system and the effect of changes in that system on climate and human well-being (Rept. No. 101-40).

By Mr. KERREY (for Mr. BYRD), from the Committee on Appropriations, with amendments:

H.R. 2072. A bill making dire emergency supplemental appropriations and transfers, urgent supplementals and correcting enrollment errors for the fiscal year ending September 10, 1989, and for other purposes (Rept. No. 101-41).

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

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 (Rept. No. 101-42).

### 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. NUNN (for himself and Mr. WARNER) (by request):

S. 1083. A bill to authorize certain construction at military installations for fiscal years 1990 and 1991, and for other purposes; to the Committee on Armed Services.

S. 1084. A bill to authorize appropriations for civil programs for fiscal years 1990 and 1991; to the Committee on Armed Services.

S. 1085. A bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes; to the Committee on Armed Services.

By Mr. D'AMATO:

S. 1086. A bill for the relief of Maurice G. Hardy; to the Committee on the Judiciary.

By Mr. BURNS:

S. 1087. A bill to amend the Disaster Assistance Act of 1988 to provide disaster assistance to orchard owners who have suffered losses as a result of freeze damage in 1989, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. EXON (for himself, Mr. FORD, Mr. STEVENS, and Mr. DODD):

S. 1088. A bill to amend title XIX of the Social Security Act to improve the provision and quality of services to individuals with mental retardation or related condition; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. MOYNIHAN, Mr. D'AMATO, Mr. LAUTENBERG, Mr. GLENN, Mr. PELL, Mr. LEVIN, Mr. INOUE, Mr. BURDICK, Mr. HOLLINGS, Mr. KOHL, Mr. BRADLEY, Mr. MATSUNAGA, Mr. PRYOR, Mr. METZENBAUM, Mr. GORE, Mr. WIRTH, Mr. CRANSTON, Mr. ADAMS, Mr. RIEGLE, Mr. KERRY, Mr. FOWLER, Mr. HEFLIN, Mr. DIXON, Mr. SIMON, Mr. SHELBY, Mr. GRAHAM, Ms. MIKULSKI, Mr. BUMPERS, Mr. BRYAN, Mr. NUNN, Mr. FORD, Mr. ROCKEFELLER, Mr. SIMPSON, Mr. THURMOND, Mr. WILSON, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. WALLOP, Mr. WARNER, Mr. LUGAR, Mr. DURENBERGER, Mr. CONRAD, Mr. DOMENICI, Mr. BOSCHWITZ, Mr. GARN, Mr. CHAFE, Mr. BURNS, Mr. DOLE, Mr. MCCLURE, Mr. HUMPHREY, Mr. KASTEN, Mr. COHEN, Mr. HEINZ, and Mr. GRASSLEY):

S.J. Res. 142. Joint resolution designating the week beginning July 23, 1989, as "Lyme Disease Awareness Week"; to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself, Mr. GRASSLEY, Mr. DOMENICI, Mr. GARN, Mr. PRESSLER, Mr. THURMOND, Mr. ARMSTRONG, Mr. HELMS, Mr. CHAFE, Mr. DOLE, Mr. BOSCHWITZ, Mr. D'AMATO, Mr. COATS, Mr. GORTON, Mr. SYMMS, Mr. COHEN, Mr. DANFORTH, Mr. HEINZ, Mr. MURKOWSKI, Mr. MCCLURE, Mr. BOND, Mr. WILSON, Mr. HATCH, Mr. WARNER, Mr. COCHRAN, Mr. GRAMM, Mr. SIMPSON, Mr. BENTSEN, Mr. DECONCINI, Mr. RIEGLE, Mr. GORE, Mr. REID, Mr. BURDICK, Mr. SHELBY, Mr. SIMON, Mr. FOWLER, Mr. ROBB, Mr. MATSUNAGA, Mr. HOLLINGS, Mr. PRYOR, Mr. LIEBERMAN, Mr. PELL, Mr. MITCHELL, Mr. LEVIN, Mr. ROCKEFELLER, Mr. ADAMS, Mr. BOREN, Mr. DODD, Mr. HEFLIN, Mr. BRADLEY, and Mr. METZENBAUM):

S.J. Res. 143. Joint resolution to designate the week of December 10, 1989, through December 16, 1989, as "National Drunk and Drugged Driving Awareness Week"; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. DECONCINI, Mr. THURMOND, Mr. GRASSLEY, Mr. HEFLIN, Mr. DIXON, Mr. MURKOWSKI, Mr. SYMMS, Mrs. KASSEBAUM, Mr. LOTT, and Mr. COATS):

S.J. Res. 144. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary silent prayer or reflection; to the Committee on the Judiciary.

By Mr. REID:

S.J. Res. 145. Joint resolution designating June 12, to June 19, 1989, as "Old Cars Week"; to the Committee on the Judiciary.

By Mr. PELL (for himself, Mr. CHAFE, Mr. ADAMS, Mr. ARMSTRONG, Mr. BENTSEN, Mr. BOREN, Mr. BOSCHWITZ, Mr. BUMPERS, Mr. BURNS, Mr. CONRAD, Mr. D'AMATO, Mr. DECONCINI, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. GARN, Mr. GORE, Mr. GORTON, Mr. GRASSLEY, Mr. HATFIELD, Mr. HEFLIN, Mr. HOLLINGS, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MATSUNAGA, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NUNN, Mr. PACKWOOD, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. RIEGLE, Mr. ROBB, Mr. MACK, Mr. CRANSTON, Mr. WIRTH, Mr. KASTEN, Mr. WARNER, Mr. COATS, Mr. SARBANES, Mr. DIXON, Mr. BURDICK, Mr. SPECTER, Mr. JEFFORDS, Mr. STEVENS, Mr. COCHRAN, Mr. SIMON, and Mr. BRYAN):

S.J. Res. 146. Joint resolution designating the week of September 24, 1989, as "Religious Freedom Week"; 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. CONRAD:

S. Res. 136. Resolution to express the sense of the Senate that the Committee on Appropriations should make the full appro-

priations authorized for carrying out programs for assessment and mitigation of radon under the Toxic Substances Control Act; to the Committee on Appropriations.

By Mr. GRAHAM (for himself, Mr. MACK, Mr. MATSUNAGA, and Mr. REID):

S. Res. 137. Resolution relative to the death of Representative Claude Pepper, of Florida; considered and agreed to.

By Mr. FOWLER (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 138. Resolution reappointing Kenneth U. Benjamin, Jr., as Deputy Senate Legal Counsel; considered and agreed to.

By Mr. FOWLER (for Mr. LAUTENBERG (for himself, Mr. SHELBY, Mr. GRAMM, Mr. BRADLEY, Mr. DOLE, Mr. LIEBERMAN, Mr. COATS, Mr. ROBB, Mr. HATCH, Mr. MITCHELL, Mr. STEVENS, Mr. SANFORD, Mr. WARNER, Mr. BOREN, Mr. PELL, Mr. METZENBAUM, Mr. MURKOWSKI, Mr. MATSUNAGA, Mr. SARBANES, Mr. BURNS, Mr. CONRAD, Mr. INOUE, Mr. GARN, Mr. DECONCINI, Mr. SIMON, Mr. WILSON, Mr. DIXON, Mr. SASSER, Mr. BIDEN, Mr. LEVIN, Mr. GORE, Mr. HOLLINGS, Mr. HEPLIN, Mr. DASCHLE, Mr. RIEGLE, Mr. MOYNIHAN, Mr. BUMPERS, Mr. GLENN, Mr. ROCKEFELLER, Mr. CRANSTON, Mr. DOMENICI, Mr. THURMOND, Mr. SPECTER, Mr. ROTH, Mr. SIMPSON, Mr. HEINZ, Mr. MACK, Mr. ARMSTRONG, Mr. GRASSLEY, Mr. JEFFORDS, Mr. D'AMATO, Ms. MIKULSKI, Mr. COHEN, Mr. GORTON, and Mr. CHAFEE)):

S. Res. 139. Resolution to designate June 6, 1989, as "National D-Day Remembrance Day, and to recognize the sacrifices made by the American and other Allied soldiers who gave their lives to liberate Europe and save the world from Adolf Hitler; considered and agreed to.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NUNN (for himself and Mr. WARNER) (by request):

S. 1083. A bill to authorize certain construction at military installations for fiscal years 1990 and 1991, and for other purposes; to the Committee on Armed Services.

#### MILITARY CONSTRUCTION AUTHORIZATION ACT, FISCAL YEARS 1990 AND 1991

Mr. NUNN. Mr. President, by request, for myself and the senior Senator from Virginia [Mr. WARNER], I introduce, for appropriate reference, a bill to authorize certain construction at military installations for fiscal years 1990 and 1991, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

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

S. 1083

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

#### SECTION 1. SHORT TITLE.

This title may be cited as the "Military Construction Authorization Act, 1990 and 1991".

Subdivision 1—Fiscal Year 1990

#### TITLE I—ARMY

#### SEC. 1101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

Alabama	
Anniston Army Depot,	\$2,300,000.
Fort McClellan,	\$2,750,000.
Redstone Arsenal,	\$18,390,000.
Fort Rucker,	\$3,600,000.
Alaska	
Fort Richardson,	\$3,350,000.
Fort Wainwright,	\$14,800,000.
Arizona	
Fort Huachuca,	\$9,900,000.
Yuma Proving Ground,	\$11,400,000.
California	
Fort Irwin,	\$4,950,000.
Fort Ord,	\$2,450,000.
Sacramento Army Depot,	\$3,900,000.
Colorado	
Fort Carson,	\$4,700,000.
Florida	
Key West Naval Air Station,	\$6,100,000.
Georgia	
Fort Benning,	\$7,500,000.
Fort Gordon,	\$4,000,000.
Fort Stewart,	\$5,200,000.
Hawaii	
Fort Shafter,	\$9,300,000.
Schofield Barracks,	\$10,000,000.
Kansas	
Fort Leavenworth,	\$5,500,000.
Fort Riley,	\$12,680,000.
Kentucky	
Fort Campbell,	\$30,450,000.
Fort Knox,	\$2,200,000.
Louisiana	
Fort Polk,	\$23,350,000.
Maryland	
Fort Detrick,	\$2,300,000.
Fort Meade,	\$6,200,000.
Fort Ritchie,	\$630,000.
Massachusetts	
Fort Devens,	\$3,550,000.
Missouri	
Fort Leonard Wood,	\$10,450,000.
New Jersey	
Fort Monmouth,	\$8,600,000.
Picatinny Arsenal,	\$11,800,000.
New York	
Fort Drum,	\$70,600,000.
North Carolina	
Fort Bragg,	\$32,000,000.
Oklahoma	
Fort Still,	\$17,320,000.
McAlester Army Ammunition Plant,	\$2,200,000.
Pennsylvania	
New Cumberland Army Depot,	\$14,000,000.
Texas	
Corpus Christi Army Depot,	\$5,200,000.
Fort Bliss,	\$3,400,000.
Fort Hood,	\$2,800,000.

#### Utah

Dugway Proving Ground, \$2,400,000.

#### Virginia

Fort Belvoir, \$23,000,000.  
Fort Lee, \$1,750,000.  
Fort Monroe, \$1,100,000.  
Fort Story, \$3,350,000.

#### Washington

Fort Lewis, \$770,000.

#### Various Locations

Classified Location, \$3,900,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

#### Germany

Augsburg, \$600,000.  
Baumholder, \$6,400,000.  
Grafenwoehr, \$6,500,000.  
Hanau, \$16,550,000.  
Heilbronn, \$5,400,000.  
Hohenfels, \$9,200,000.  
Mainz, \$26,400,000.  
Mannheim, \$8,000,000.  
Stuttgart, \$9,400,000.  
Vilseck, \$8,800,000.  
Wuerzburg, \$12,000,000.  
Various Locations, \$4,150,000.

#### Korea

Camp Casey, \$24,200,000.  
Camp Garry Owen, \$4,200,000.  
Camp Hovey, \$15,300,000.  
H-220 Heliport, \$4,050,000.

#### Kwajalein Atoll

Kwajalein, \$9,500,000.

#### Panama

Fort Kobbe, \$7,200,000.

#### Puerto Rico

Fort Buchanan, \$690,000.

#### Various Locations

Location 276, \$1,950,000.  
Classified Locations, \$6,100,000.

#### SEC. 1102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Army may construct or acquire family housing units (including land acquisition), using amounts appropriated pursuant to section 1104(a)(6)(A), at the following installations in the number of units shown and in the amounts shown, for each installation: Helemano, Hawaii, ninety units, \$10,322,000. Hickam Air Force Base, twenty units, \$2,500,000. Kaneohe, Hawaii, forty units, \$4,700,000.

(b) PLANNING AND DESIGN.—The Secretary of the Army may, using amounts appropriated pursuant to section 1104(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$1,349,000.

#### SEC. 1103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) IN GENERAL.—Subject to Section 2825 of title 10, United States Code, the Secretary of the Army may, using amounts appropriated pursuant to section 1104(a)(6)(A), improve existing military family housing in an amount not to exceed \$36,329,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code,

the Secretary of the Army may—(1) carry out projects to improve existing military family housing units at the following installations in the number of units shown and in the amount shown, for each installation:

Fort Leavenworth, Kansas, one unit, \$95,900, of which \$86,900 is for concurrent repairs.

Pusan, Korea, twenty units, \$1,250,000.

(2) improve four units at Forth Sill, Oklahoma, authorized in Public Law 100-456, in an amount of \$178,088.

SEC. 1104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$2,180,400,000 follows:

(1) For military construction projects inside the United States authorized by section 1101(a), \$426,090,000.

(2) For military construction projects outside the United States authorized by section 1101(b), \$186,590,000.

(3) For the construction of the Central Distribution Center, Phase III, Red River Army Depot, Texas, as authorized by section 2101 of the National Defense Authorization Act, 1989, \$39,000,000.

(4) For unspecified minor construction projects authorized under section 2905 of title 10, United States Code, \$11,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$74,420,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$55,200,000.

(B) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$1,383,000,000, of which not more than \$319,142,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, \$5,100,000 to remain in effect until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 1101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 1105. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS.

(a) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1986 PROJECTS.—Notwithstanding the provisions of section 603(a) of the Military Construction Act, 1986 (Public Law 99-167), authorizations for the following projects authorized in sections 101 and 102 of that Act, as extended by section 2105(b) of the Military Construction Authorization Act 1988 and 1989 (division B of Public Law 99-180) and section 2106(b) of the Military Construction Act, 1989 (Public Law 100-456), shall remain in effect until October 1, 1991 or the date of enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later:

(1) Modified record fire range in the amount of \$2,850,000 at Nuernberg, Germany.

(2) Family housing, new construction, 6 units, in the amount of \$596,000 at Fort Myer, Virginia.

(3) Flight simulator building in the amount of \$2,900,000 at Wiesbaden, Germany.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1987 PROJECTS.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1987, (division B of Public Law 99-661), authorizations of the following projects authorized in sections 2101, 2102, and 2103 of that Act as extended by section 2106(c) of the Military Construction Authorization Act, 1989 (Public Law 100-456), shall remain in effect until October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later:

(1) Aircraft maintenance hangar in the amount of \$7,100,000 at Hanau, Germany.

(2) Family housing, new construction, 40 units in the amount of \$4,100,000 at Crailsheim, Germany.

(c) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1988 PROJECTS.—Notwithstanding the provisions of 2171 of the Military Construction Authorization Act of 1988 (Division B of Public Law 100-180), authorizations for the following projects authorized in sections 2101 and 2102 of that Act shall remain in effect until October 1, 1991, or the date of enactment of a Military Construction Authorization Act for fiscal year 1992, whichever is later:

(1) Child Development Center in the amount of \$1,050,000 at Rheinberg, Germany.

(2) Training Exercise Facility in the amount of \$5,900,000 at Einsiedlerhof, Germany.

(3) Operations Building Modifications in the amount of \$5,400,000 at Stuttgart, Germany.

(4) Hardstand/Tactical Equipment Shop in the amount of \$2,250,000 at Wiesbaden, Germany.

(5) Servicemember Support Complex in the amount of \$5,700,000 at Fort Rucker, Alabama.

(6) Wall/Ceiling Insulation in the amount of \$930,000 at Aberdeen Proving Ground, Maryland.

(7) Family Housing, new construction, 25 units, in the amount of \$2,200,000 at Fort A. P. Hill, Virginia.

(8) Family Housing, new construction, 106 units, in the amount of \$11,200,000 at Bamberg, Germany.

(9) Family Housing, new construction, 152 units, in the amount of 12,600,000 at Baumholder, Germany.

TITLE II—NAVY

SEC. 1201 AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

Alabama

Mobile, Naval Station, \$3,965,000.

Alaska

Adak, Naval Air Station, \$18,870,000.

Arizona

Yuma, Marine Corps Air Station, \$900,000.

California

Camp Pendleton, Marine Corps Air Station, \$2,100,000.

Camp Pendleton, Marine Corps Base, \$57,600,000.

China Lake, Naval Weapons Center, \$17,500,000.

Concord, Naval Weapons Station, \$5,640,000.

Coronado, Naval Amphibious Base, \$7,770,000.

Coronado, Surface Warfare Officers School Command Detachment, \$4,360,000.

El Centro, Naval Air Facility, \$7,200,000.

Lemoore, Naval Air Station, \$2,100,000.

Moffett Field, Naval Air Station, \$1,000,000.

Monterey, Fleet Numerical Oceanography Center, \$750,000.

Monterey, Naval Postgraduate School, \$16,690,000.

North Island, Naval Air Station, \$6,160,000.

San Diego, Fleet Anti-Submarine Warfare Training Center, Pacific, \$820,000.

San Diego, Fleet Combat Training Center, Pacific, \$3,670,000.

San Diego, Fleet Intelligence Training Center, Pacific, \$2,500,000.

San Diego, Fleet Training Center, \$12,800,000.

San Diego, Integrated Combat Systems Test Facility, \$4,100,000.

San Diego, Marine Corps Recruit Depot, \$3,070,000.

San Diego, Naval Hospital, \$5,000,000.

San Diego, Naval Ocean Systems Center, \$1,300,000.

San Diego, Naval Station, \$1,000,000.

San Diego, Naval Submarine Base, \$10,800,000.

San Diego, Naval Training Center, \$4,800,000.

San Diego, Navy Public Works Center, \$4,400,000.

San Francisco, Navy Public Works Center, \$3,910,000.

Seal Beach, Naval Weapons Station, \$9,000,000.

Tustin, Marine Corps Air Station, \$2,990,000.

Twentynine Palms, Marine Corps Air-Ground Combat Center, \$3,140,000.

Vallejo, Mare Island Naval Shipyard, \$6,300,000.

Connecticut

New London, Naval Submarine Base, \$24,250,000.

New London, Naval Submarine School, \$8,200,000.

New London, Underwater Systems Center, \$12,600,000.

District of Columbia

Washington, Commandant, Naval District, \$420,000.

Washington, Naval Observatory, \$2,500,000.

Florida

Cecil Field, Naval Air Station, \$1,970,000.

Jacksonville, Naval Hospital, \$2,080,000.

Orlando, Naval Training Center, \$18,400,000.

Panama City, Naval Diving and Salvage Training Center, \$4,300,000.

Panama City, Naval Experimental Diving Unit, \$2,900,000.

Pensacola, Navy Public Works Center, \$2,100,000.

Georgia

Albany, Marine Corps Logistics Base, \$1,300,000.

Athens, Navy Supply Corps School, \$1,000,000.  
Kings Bay, Naval Submarine Base, \$58,910,000.

## Hawaii

Kaneohe Bay, Marine Corps Air Station, \$13,150,000.  
Lualualei, Naval Magazine, \$4,600,000.  
Pearl Harbor, Naval Submarine Base, \$18,600,000.  
Pearl Harbor, Naval Submarine Training Center, Pacific, \$5,550,000.  
Pearl Harbor, Navy Public Works Center, \$750,000.  
Wahiawa, Naval Communication Area Master Station Eastern Pacific, \$8,000,000.

## Illinois

Great Lakes, Naval Hospital, \$12,270,000.  
Great Lakes, Naval Training Center, \$15,900,000.

## Indiana

Indianapolis, Naval Avionics Center, \$8,000,000.

## Maine

Brunswick, Naval Air Station, \$1,000,000.  
Brunswick, Naval Branch Medical Clinic, \$2,650,000.

## Maryland

Annapolis, Naval Academy, \$48,000,000.  
Indian Head, Naval Explosive Ordnance Disposal Technology Center, \$7,700,000.  
Indian Head, Naval Ordnance Station, \$10,670,000.  
Patuxent River, Naval Air Test Center, \$17,000,000.  
St. Inigoes, Naval Electronic Systems Engineering Activity, \$2,950,000.

## Mississippi

Meridian, Naval Air Station, \$11,800,000.  
Pascagoula, Naval Station, \$2,220,000.

## Nevada

Fallon, Naval Air Station, \$1,000,000.

## New Jersey

Bayonne, Navy Publications and Printing Service Detachment Office, \$1,000,000.  
Earle, Naval Weapons Station, \$14,270,000.

## New Mexico

Elephant Butte, Naval Space Surveillance Field Station, \$4,700,000.

## New York

New York, Naval Station, \$25,640,000.

## North Carolina

Camp Lejeune, Marine Corps Base, \$21,210,000.  
Cherry Point, Marine Corps Air Station, \$23,820,000.  
New River, Marine Corps Air Station, \$21,100,000.

## Oklahoma

Tinker Air Force Base, Naval Air Detachment, \$21,500,000.

## Rhode Island

Newport, Naval Education and Training Center, \$8,000,000.

## South Carolina

Beaufort, Marine Corps Air Station, \$4,920,000.  
Charleston, Naval Supply Center, \$700,000.

## Tennessee

Memphis, Naval Air Station, \$10,000,000.

## Texas

Ingleside, Naval Station, \$19,720,000.  
Lackland Air Force Base, Naval Technical Training Center Detachment, \$4,500,000.

## Virginia

Chesapeake, Naval Security Group Activity, Northwest, \$1,300,000.  
Dahlgren, Naval Surface Warfare Center, \$1,000,000.  
Dam Neck, Marine Environmental Systems Facility, \$8,000,000.  
Little Creek, Naval Amphibious Base, \$5,200,000.  
Norfolk, Naval Air Station, \$4,400,000.  
Norfolk, Naval Eastern Oceanography Center, \$680,000.  
Norfolk, Naval Supply Center, \$6,500,000.  
Oceana, Naval Air Station, \$12,555,000.  
Portsmouth, Norfolk Naval Shipyard, \$9,700,000.  
Quantico, Marine Corps Combat Development Command, \$3,450,000.  
Williamsburg, Cheatham Annex, Naval Supply Center, \$18,500,000.  
Yorktown, Naval Weapons Station, \$21,420,000.

## Washington

Bremerton, Naval Hospital, \$1,000,000.  
Bremerton, Puget Sound Naval Shipyard, \$19,900,000.  
Bremerton, Puget Sound Naval Supply Center, \$690,000.  
Everett, Naval Station, \$11,200,000.  
Keyport, Naval Undersea Warfare Engineering Station, \$1,850,000.  
Oso, Jim Creek Naval Radio Station, \$1,200,000.

## Various Locations

Land Acquisition, \$21,000,000.  
(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

## Ascension Island

Naval Communication Detachment, \$3,500,000.

## Australia

Exmouth, Harold E. Holt Naval Communication Station, \$610,000.

## Bahamas

Andros Island, Naval Underwater Systems Center, \$4,140,000.

## Guam

Camp Covington, Mobile Construction Battalion, \$4,300,000.  
Fleet Surveillance Support Command, \$27,000,000.  
Navy Public Works Center, \$4,150,000.

## Iceland

Keflavik, Naval Air Station, \$7,500,000.  
Keflavik, Naval Communication Station, \$8,450,000.

## Italy

Naples, Naval Support Activity, \$46,600,000.

## Japan

Atsugi, Naval Air Facility, \$14,900,000.  
Okinawa, Camp Smedley D. Butler Marine Corps Base, \$3,200,000.  
Okinawa, Futenma Marine Corps Air Station, \$7,450,000.

## Puerto Rico

Roosevelt Roads, Naval Communication Station, \$1,300,000.

## United Kingdom

Edzell, Scotland, Naval Security Group Activity, \$5,820,000.  
London, Naval Activities, \$10,130,000.

## Various Locations

Classified Location, \$5,800,000.

Host Nation Infrastructure Support, \$1,000,000.

## SEC. 1202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Navy may, using amounts appropriated pursuant to section 1204(a)(6)(A), construct or acquire family housing units (including land acquisition), at the following installations in the number of units shown, and in the amount shown for each installation:

Camp Pendleton, Marine Corps Base, California, one hundred twelve units, \$10,150,000.

Long Beach, Naval Station, California, Family Housing Office, \$592,000.

San Diego, Navy Public Works Center, California, Family Housing Warehouse, \$1,855,000.

San Francisco, Navy Public Works Center, California, three hundred forty-four units, \$28,350,000.

Thurmont, Naval Support Facility, Maryland, eleven units, \$1,160,000.

Norfolk, Navy Public Works Center, Virginia, Community Center, \$332,000.

Keflavik, Naval Air Station, Iceland, one hundred twelve units, \$23,213,000.

Subic Bay, Navy Public Works Center, Philippines, two hundred sixteen units, \$19,000,000.

(b) PLANNING AND DESIGN.—The Secretary of the Navy may carry out architectural and engineering services and construction design activities, using amounts appropriated pursuant to section 1204(a)(6)(A), with respect to the construction or improvement of military family housing units in an amount not to exceed \$1,000,000.

## SEC. 1203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may, using amounts appropriated pursuant to section 1204(a)(6)(A), improve existing military family housing units in the amount of \$41,748,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Navy may carry out projects to improve existing military family housing units at the following installations in the number of units shown and in the amount shown, for each installation:

Long Beach, Naval Station, California, forty-four units, \$2,208,200.

San Diego, Navy Public Works Center, California, one unit, \$79,900.

Great Lakes, Navy Public Works Center, Illinois, two hundred sixty-two units, \$17,198,100.

Lakehurst, Naval Air Engineering Center, New Jersey, thirty-two units, \$1,946,400.

Lakehurst, Naval Air Engineering Center, New Jersey, one unit, \$80,100.

New York, Naval Station, New York, ten units, \$842,000.

New York, Naval Station, New York, ten units, \$719,100.

Cherry Point, Marine Corps Air Station, North Carolina, two hundred fourteen units, \$13,398,000.

Bangor, Naval Submarine Base, Washington, one hundred units, \$5,844,200.

Guantanamo Bay, Naval Station, Cuba, one unit, \$104,700.

## SEC. 1204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years

beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$1,885,400,000 as follows:

(1) For military construction projects inside the United States authorized by section 1201(a), \$872,570,000.

(2) For military construction projects outside the United States authorized by section 1201(b), \$155,850,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$14,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$84,970,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, \$5,810,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$127,400,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), \$624,800,000 of which not more than \$41,488,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 1201 of this Act may not exceed—

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) \$24,000,000 (the balance of the amount authorized for the construction of the Bancroft Hall Expansion, Naval Academy, Annapolis, Maryland).

**TITLE III—AIR FORCE**

**SEC. 1301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the installations and locations inside the United States:

**Alabama**

Gunter Air Force Base, \$12,100,000.

**Alaska**

Clear Air Force Station, \$5,000,000.  
Eielson Air Force Base, \$11,000,000.  
Elmendorf Air Force Base, \$2,400,000.  
King Salmon Airport, \$8,000,000.  
Shemya Air Force Base, \$22,700,000.

**Arizona**

Davis-Monthan Air Force Base, \$4,200,000.  
Luke Air Force Base, \$3,970,000.  
Williams Air Force Base, \$1,850,000.

**California**

Beale Air Force Base, \$13,472,000.  
Castle Air Force Base, \$3,900,000.  
Edwards Air Force Base, \$12,400,000.  
McClellan Air Force Base, \$17,030,000.  
Onizuka Air Force Station, \$14,800,000.  
Travis Air Force Base, \$9,000,000.  
Vandenberg Air Force Base, \$11,500,000.

**Colorado**

Lowry Air Force Base, \$3,550,000.

**Delaware**

Dover Air Force Base, \$8,300,000.

**District of Columbia**

Bolling Air Force Base, \$5,900,000.

**Florida**

Cape Canaveral Air Force Station, \$89,000,000.  
Eglin Air Force Base, \$12,100,000.  
Eglin Air Force Base, Auxiliary Field 9, \$21,900,000.

Homestead Air Force Base, \$7,350,000.

MacDill Air Force Base, \$4,490,000.

Patrick Air Force Base, \$3,800,000.

Tyndall Air Force Base, \$7,300,000.

**Georgia**

Robins Air Force Base, \$18,550,000.

**Hawaii**

Hickam Air Force Base, \$530,000.

**Idaho**

Mountain Home Air Force Base, \$3,920,000.

**Louisiana**

Barksdale Air Force Base, \$7,700,000.

England Air Force Base, \$2,700,000.

**Maine**

Loring Air Force Base, \$8,500,000.

**Maryland**

Andrews Air Force Base, \$5,550,000.

**Massachusetts**

Hanscom Air Force Base, \$5,600,000.

**Mississippi**

Columbus Air Force Base, \$1,200,000.

**Missouri**

Whiteman Air Force Base, \$97,500,000.

**Montana**

Malmstrom Air Force Base, \$32,100,000.

**Nebraska**

Offutt Air Force Base, \$1,150,000.

**Nevada**

Nellis Air Force Base, \$4,800,000.

**New Jersey**

McGuire Air Force Base, \$4,900,000.

**New Mexico**

Holloman Air Force Base, \$17,350,000.

Kirtland Air Force Base, \$18,350,000.

**New York**

Griffiss Air Force Base, \$11,950,000.

Plattsburgh Air Force Base, \$9,900,000.

**North Carolina**

Seymour Johnson Air Force Base, \$4,500,000.

**Ohio**

Newark Air Force Base, \$2,300,000.

Wright Patterson Air Force Base, \$610,000.

**Oklahoma**

Altus Air Force Base, \$5,200,000.

Tinker Air Force Base, \$55,250,000.

**South Carolina**

Charleston Air Force Base, \$4,650,000.

Myrtle Beach Air Force Base, \$2,350,000.

Shaw Air Force Base, \$5,700,000.

**South Dakota**

Ellsworth Air Force Base, \$4,100,000.

**Texas**

Carswell Air Force Base, \$650,000.

Goodfellow Air Force Base, \$3,300,000.

Kelly Air Force Base, \$21,300,000.

Lackland Air Force Base, \$34,250,000.

Lackland Training Annex, \$1,994,000.

Laughlin Air Force Base, \$5,350,000.

Randolph Air Force Base, \$630,000.

Reese Air Force Base, \$4,630,000.

**Utah**

Hill Air Force Base, \$11,950,000.

**Virginia**

Langley Air Force Base, \$3,300,000.

**Washington**

Fairchild Air Force Base, \$1,500,000.

**Wyoming**

F.E. Warren Air Force Base, \$104,850,000.

**Various Locations**

Central United States, \$5,000,000.

(b) **OUTSIDE THE UNITED STATES.**—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

**Canada**

Various Locations, \$24,000,000.

**Germany**

Hahn Air Base, \$11,120,000.

Mehlingen Communications Annex, \$1,100,000.

Ramstein Air Base, \$16,900,000.

Rhein-Main Air Base, \$4,160,000.

Sembach Air Base, \$3,050,000.

Spangdahlem Air Base, \$11,150,000.

Zweibrucken Air Base, \$6,100,000.

**Guam**

Andersen Air Force Base, \$6,500,000.

**Honduras**

La Mesa Air Base, \$10,200,000.

San Lorenzo Air Base, \$4,900,000.

**Iceland**

Naval Air Station, Keflavik, \$16,300,000.

**Italy**

Aviano Air Base, \$6,050,000.

Crotone Air Base, \$15,400,000.

San Vito Air Station, \$2,750,000.

**Japan**

Kadena Air Base, \$4,300,000.

Misawa Air Base, \$3,700,000.

Yokota Air Force Base, \$4,700,000.

**Korea**

Kunsan Air Base, \$13,140,000.

Osan Air Base, \$13,250,000.

**Oman**

Seeb, \$2,200,000.

Thumrait, \$23,600,000.

**Panama**

Howard Air Force Base, \$7,210,000.

**Philippines**

Clark Air Base, \$35,760,000.

Wallace Air Station, \$4,150,000.

**Portugal**

Lajes Field, \$7,700,000.

**Spain**

Zaragoza Air Base, \$1,950,000.

**Turkey**

Ankara Air Station, \$4,200,000.

Balikesir Radio Relay Site, \$3,600,000.

Erhac Air Base, \$2,750,000.

Incirlik Air Base, \$5,910,000.

**United Kingdom**

Bovingdon Radio Relay Site \$400,000.

High Wycombe Air Station, \$4,100,000.

RAF Alconbury, \$4,200,000.

RAF Barford St. John, \$490,000.

RAF Bentwaters, \$6,800,000.

RAF Christmas Common Radio Relay Site, \$210,000.

RAF Fairford, \$10,950,000.

RAF Lakenheath, \$860,000.

RAF Mildenhall, \$5,050,000.

RAF Upper Heyford \$24,170,000.

**Various Locations**

Classified Location, \$740,000.

Classified Location, \$15,000,000.  
SEC. 1302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 1304(a)(6)(A), construct or acquire family housing units (including land acquisition) at the following installations in the number of units shown and in the amount shown, for each installation:

Kelly Air Force Base, Texas, eleven units, \$1,619,000.

Ramstein Air Base, Germany, two hundred units, \$20,660,000.

Crotone Air Base, Italy, two thousand seven hundred twenty-four units, \$0.

Osan Air Base, Korea, one unit, \$117,000.

Clark Air Base, Philippines, four hundred fifty units, \$35,427,000.

Beale Air Force Base, California, housing office, \$295,000.

Edwards Air Force Base, California, housing office, \$327,000.

Scott Air Force Base, Illinois, housing office, \$407,000.

England Air Force Base, Louisiana, housing maintenance facility, \$226,000.

Tinker Air Force Base, Oklahoma, housing office, \$291,000.

Myrtle Beach Air Force Base, South Carolina, housing maintenance facility, \$382,000.

(b) PLANNING AND DESIGN.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 1304(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$8,000,000.

SEC. 1303. IMPROVEMENT TO MILITARY FAMILY HOUSING UNITS.

(a) IN GENERAL.—Subject to section 2825 of Title 10, United States Code, the Secretary of the Air Force may, using amounts appropriated pursuant to section 1304(a)(6)(A), improve existing military family housing units in an amount not to exceed \$173,349,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under Section 2825(b) of title 10, United States Code, the Secretary of the Air Force may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Maxwell Air Force Base, Alabama, eight units, \$357,000; eight units, \$800,000; one unit, \$108,000; thirty-two units, \$1,548,000.

Elmendorf Air Force Base, Alaska, eighty-eight units \$9,578,000.

Davis-Monthan Air Force Base, Arizona, five units, \$200,000.

Travis Air Force Base, California, one hundred forty-two units, \$7,691,000.

Peterson Air Force Base, Colorado, thirty-two units, \$1,438,000.

Bolling Air Force Base, District of Columbia, forty units, \$1,683,000.

Tyndall Air Force Base, Florida, forty units, \$2,441,000.

Scott Air Force Base, Illinois, four units, \$250,000; eighty units, \$4,076,000.

England Air Force Base, Louisiana, one hundred one units, \$4,208,000.

Whiteman Air Force Base, Missouri, fifty-five units, \$970,000.

Nellis Air Force Base, Nevada, thirty-two units, \$1,727,000.

Holloman Air Force Base, New Mexico, one hundred twenty-three units, \$5,710,000; one unit, \$47,000.

Bergstrom Air Force Base, Texas, two units, \$149,000.

Carswell Air Force Base, Texas, one hundred nineteen units, \$5,432,000.

Randolph Air Force Base, Texas, one hundred twenty-four units, \$4,135,000; one unit, \$78,000.

Langley Air Force Base, Virginia, eighty-six units, \$5,398,000.

Fairchild Air Force Base, Washington, two hundred thirty units, \$12,162,000.

Ramstein Air Base, Germany, one unit, \$137,000; twenty-four units, \$2,180,000; thirty-eight units, \$2,681,000.

Spangdahlem Air Base, Germany, four units, \$302,000.

Andersen Air Base, Guam, two hundred units, \$17,817,000.

Kadena Air Base, Japan, one unit, \$127,000; seventy-five units, \$5,851,000.

Misawa Air Base, Japan, one hundred eleven units, \$9,028,000.

Clark Air Force Base, Philippines, seventy-seven units, \$3,234,000.

RAF Alconbury, United Kingdom, one unit, \$55,000.

RAF Bentwaters, United Kingdom, eighty-three units, \$4,610,000.

RAF Chicksands, United Kingdom, thirty-four units, \$3,027,000.

RAF Lakenheath, United Kingdom, fourteen units, \$1,153,000, sixty units, \$3,408,000.

RAF Mildenhall, United Kingdom, two units, \$89,000.

(c) WAIVER OF SPACE LIMITATIONS FOR FAMILY HOUSING UNITS—

(1) To support the United States Air Forces in Europe, and Military Airlift Command, the Secretary of the Air Force may carry out improvement projects to add to and alter existing family housing units and (notwithstanding section 2826(a) of title 10, United States Code) increase the net floor area of one family housing unit at Ramstein Air Base, Germany, to not more than 3,045 square feet; and increase the net floor area of four family housing units at Scott Air Force Base, Illinois, to not more than 2,470 square feet.

(2) To support the Air Force Logistics Command and Pacific Air Forces the Secretary of the Air Force may carry out new construction projects to build five family housing units (notwithstanding section 2826(a) of title 10, United States Code) at Kelly Air Force Base, Texas, to not more than 3,000 square feet and to convert one building to a family housing unit at Osan Air Base, Korea, to contain not more than 3,000 square feet.

(3) For purposes of this subsection, the term "net floor area" has the same meaning given that term by section 2826(f) of title 10, United States Code.

SEC. 1304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$2,401,390,000:

(1) For military construction projects inside the United States authorized by section 1301(a), \$852,626,000.

(2) For military construction projects outside the United States authorized by section 1301(b), \$350,770,000.

(3) For the construction of the Large Rocket Test Facility Arnold Engineering Development Center, Tennessee, as authorized by section 2301(a) of the Military Con-

struction Authorization Act of 1989, \$66,000,000.

(4) For unspecified minor construction projects under section 2805 of title 10 United States Code, \$7,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$106,094,000.

(6) For advances to the Secretary of Transportation for Construction of defense access under section 210 of title 23, United States Code, \$3,000,000.

(7) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$241,100,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), \$774,800,000 of which not more than \$101,592,000 may be obligated or expended, for leasing of military housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 1301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 1305. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS.

Notwithstanding the provisions of section 2171(a) of the Military Construction Authorization Act, 1988, (Public Law 100-180), authorizations for the following projects authorized in section 2301 and 2302 of that Act, as extended by section 2305 of the Military Construction Authorization Act, 1989 (Public Law 100-460), shall remain in effect until October 1, 1991, or the date of the enactment of a Military Construction Authority Act for fiscal year 1992, whichever is later:

(2) KC-135 CPT Simulator facility, in the amount of \$760,000 at Plattsburgh Air Force Base, New York.

(3) KC-135 CPT Simulator facility, in the amount of \$710,000 at Carswell Air Force Base, Texas.

(4) KC-135 CPT Simulator facility, in the amount of \$840,000 at K. I. Sawyer Air Force Base, Michigan.

(5) KC-135 CPT Simulator facility, in the amount of \$1,150,000 at Loring Air Force Base, Maine.

(6) Jet fuel Storage in the amount of \$2,900,000 at Griffiss Air Force Base, New York.

(7) LANTIRN support building in the amount of \$600,000 at Seymour Johnson Air Force Base, North Carolina.

(8) Add to and alter Electrical Distribution System in the amount of \$8,480,000 at Griffiss Air Force Base, New York.

(9) Thirty-four family housing units in the amount of \$2,530,000 Holbrook, Arizona.

#### TITLE IV—DEFENSE AGENCIES

SEC. 1401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

Defense Logistics Agency  
 Defense Depot, Tracy, California, \$24,000,000.  
 Defense Reutilization and Marketing Office, Eglin Air Force Base, Florida, \$2,750,000.  
 Defense Fuel Support Point, Searsport, Maine, \$2,700,000.  
 Defense Construction Supply Center, Columbus, Ohio, \$26,600,000.  
 Defense Personnel Support Center, Philadelphia, Pennsylvania, \$3,800,000.  
 Defense General Supply Center, Richmond, Virginia, \$6,066,000.  
 Defense Fuel Support Point, Manchester, Washington, \$22,600,000.  
 Defense Medical Facilities Office  
 Maxwell Air Force Base, Alabama, \$1,600,000.  
 Naval Air Station, Mobile, Alabama, \$3,000,000.  
 Naval Air Station, Adak, Alaska, \$18,000,000.  
 Marine Corps Air Station, Twenty-Nine Palms, California, \$38,000,000.  
 Hurlburt Field, Florida, \$6,000,000.  
 Naval Air Station, Jacksonville, Florida, \$2,400,000.  
 Patrick Air Force Base, Florida, \$2,700,000.  
 Andrews Air Force Base, Maryland, \$2,900,000.  
 Naval Station, Pascagoula, Mississippi, \$2,548,000.  
 Lackland Air Force Base, Texas, \$6,000,000.  
 Naval Station, Ingleside, Texas, \$2,300,000.  
 Portsmouth Naval Hospital, Virginia, \$330,000,000.  
 Defense Nuclear Agency  
 Armed Forces Radiobiology Research Institute, Bethesda, Maryland, \$900,000.  
 National Security Agency  
 Fort George C. Meade, Maryland, \$21,444,000.  
 Office of the Secretary of Defense  
 Defense Language Institute, Monterey, California, \$16,700,000.  
 The Pentagon, Arlington, Virginia, \$3,500,000.  
 Classified Location, \$4,500,000.  
 Uniformed Services University of the Health Sciences  
 Bethesda, Maryland, \$600,000.  
 Strategic Defense Initiative Organization  
 Nellis Air Force Base, Nevada, \$6,5432,000.  
 (b) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:  
 Defense Medical Facilities Office  
 Camp Carroll, Korea, \$7,900,000.  
 Camp Garry Owen, Korea, \$800,000.  
 Echternach Air Base, Luxembourg, \$19,000,000.  
 Zaragoza Air Base, Spain, \$680,000.  
 Royal Air Force, Chessington, United Kingdom, \$12,200,000.  
 Royal Air Force, Lanark, United Kingdom, \$15,000,000.  
 Defense Nuclear Agency  
 Johnston Atoll, \$6,168,000.  
 Department of Defense Schools  
 Naval Air Station, Bermuda, \$4,810,000.  
 Augsburg, Germany, \$6,300,000.  
 Frankfurt, Germany, \$7,101,000.  
 Grafenwoehr, Germany, \$4,186,000.

Hohenfels, Germany, \$17,079,000.  
 Royal Air Force, Bicester, United Kingdom, \$6,275,000.  
 Royal Air Force, Upwood, United Kingdom, \$4,175,000.  
 Various Locations, \$6,600,000.  
 Department of Defense Section VI Schools  
 Fort Buchanan, Puerto Rico, \$1,155,000.  
 Roosevelt Roads, Puerto Rico, \$6,541,000.  
 National Security Agency  
 Classified Location, \$23,000,000.

SEC. 1402. FAMILY HOUSING.

The Secretary of Defense may, using amounts appropriated pursuant to section 1405(a)(10)(A), construct or acquire three family housing units including land acquisition) at classified locations in the total amount not to exceed \$400,000.

SEC. 1403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to Section 2825 of title 10, United States Code, the Secretary of Defense may, using amounts appropriated pursuant to section 1405(a)(10)(A), improve existing military family housing units in an amount not to exceed \$200,000.

SEC. 1404. CONFORMING STORAGE FACILITIES.

Section 2404(a) of the Military Construction Authorization Act, 1987 (PL 99-661), as amended by Section 2149 of the Military Construction Authorization Act, 1988 and 1989 (PL 100-180), and by Section 2405 of the Military Construction Authorization Act, 1989 (PL 100-456), is further amended to read as follows:

“(a) AUTHORITY TO CONSTRUCT.—The Secretary of Defense may, using not more than \$10,000,000 appropriated for fiscal year 1987, using not more than \$5,000,000 appropriated for fiscal year 1988, using not more than \$9,300,000 appropriated for fiscal year 1989, using not more than \$11,000,000 appropriated for fiscal year 1990, carry out military construction projects not otherwise authorized by law for conforming storage facilities.”

SEC. 1405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of \$617,500,000 as follows:

- (1) For military construction projects inside the United States authorized by section 1401(a), \$236,650,000.
- (2) For military construction projects outside the United States authorized by section 1401(b), \$148,970,000.
- (3) For military construction projects at Fort Sill, Oklahoma, \$27,000,000 as authorized by section 2401(a) of the Military Construction Authorization Act, 1989.
- (4) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987, as amended, \$53,000,000.
- (5) For military construction projects at Fort Lewis, Washington, authorized by section 101(a) of the Military Construction Authorization Act, 1985, \$16,000,000.
- (6) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$13,100,000.
- (7) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$10,000,000.

(8) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, \$80,480,000.

(9) For conforming storage facilities constructed under the authority of section 2404 of the Military Construction Authorization Act, 1987, as amended, \$11,000,000.

(10) For military family housing functions—

(A) for construction and acquisition of military family housing facilities, \$600,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), \$20,700,000, of which not more than \$17,825,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of Title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 1401 may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) \$321,500,000 (the balance of the amount authorized under section 1401(a) for the construction of a medical facility at Portsmouth Naval Hospital, Virginia).

SEC. 1406. PORTSMOUTH NAVAL HOSPITAL, VIRGINIA.

The Secretary of Defense may, in advance of appropriations therefor, enter into one or more contracts for the design and construction of the military construction project authorized by section 1401 to be accomplished at Portsmouth Naval Hospital, Virginia, if each such contract limits the payments that the Federal Government is obligated to make under such contract to the amount of appropriations available for obligation under such contract, at the time the contract is executed.

SEC. 1407. EXTENSION OF CERTAIN PREVIOUS AUTHORIZATIONS.

Notwithstanding the provisions of section 2171(a) of the Military Construction Authorization Act, 1988 and 1989 (Division B of Public Law 100-180), authorizations for the following projects authorized in section 2141 of that Act shall remain in effect until October 1, 1991, or until the date of enactment of a Military Construction Authorization Act for fiscal years 1992, whichever is later:

- (1) Fuel Tankage, in the amount of \$9,400,000 at Defense Fuel Supply Point, Key West, Florida.
- (2) Connector Warehouse, in the amount of \$18,500,000 at Defense General Supply Center, Richmond, Virginia.

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 1501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 1502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 1502. AUTHORIZATION OF APPROPRIATIONS.  
NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 1501, in the amount of \$501,900,000.

TITLE VI—GUARD AND RESERVE  
FORCES FACILITIES

## SEC. 1601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1989, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

- (1) for the Department of the Army—
  - (A) for the Army National Guard of the United States, \$114,000,000, and
  - (B) for the Army Reserve, \$76,900,000.
- (2) for the Department of the Navy, for the Naval and Marine Corps Reserve, \$50,900,000.
- (3) for the Department of the Air Force—
  - (A) for the Air National Guard of the United States, \$164,600,000, and
  - (B) for the Air Force Reserve, \$46,200,000.

TITLE VII—EXPIRATION OF  
AUTHORIZATIONS

## SEC. 1701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER TWO YEARS.—Except as provided in subsection (b), all authorizations contained in titles I, II, III, IV, and V for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor) shall expire on October 1, 1991, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1992, whichever is later.

(b) EXCEPTION.—The provisions of subsection (a) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1991, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1992, whichever is later, for construction contracts, land acquisition, family housing projects and facilities, or contributions to the NATO Infrastructure Program.

## SEC. 1702. EFFECTIVE DATES.

Titles I, II, III, IV, V, and VI shall be in effect as of October 1, 1989 or the date of enactment of a Military Construction Authorization Act for FY 1990, whichever is later.

## SUBDIVISION—FISCAL YEAR 1991

## TITLE I—ARMY

## SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of

the following installations and locations inside the United States.

Alabama  
Anniston Army Depot, \$34,300,000.  
Fort McClellan, \$3,100,000.  
Fort Rucker, \$3,150,000.

Alaska  
Fort Wainwright, \$6,050,000.

Arizona  
Fort Huachuca, \$860,000.

Arkansas  
Pine Bluff Arsenal, \$18,550,000.

California  
Fort Irwin, \$3,700,000.  
Fort Ord, \$15,300,000.

Colorado  
Fort Carson, \$24,600,000.

Georgia  
Fort Stewart, \$4,800,000.

Hawaii  
Schofield Barracks, \$9,600,000.

Illinois  
Savanna Army Depot, \$890,000.

Kansas  
Fort Leavenworth, \$35,000,000.  
Fort Riley, \$2,550,000.

Kentucky  
Fort Campbell, \$2,130,000.  
Fort Knox, \$17,450,000.

Louisiana  
Fort Polk, \$880,000.

Maryland  
Aberdeen Proving Ground, \$12,250,000.  
Fort Detrick, \$550,000.

Missouri  
Fort Leonard Wood, \$8,600,000.

New Jersey  
Fort Dix, \$26,000,000.  
Fort Monmouth, \$6,400,000.

New York  
Fort Drum, \$11,000,000.  
United States Military Academy, \$5,400,000.

North Carolina  
Fort Bragg, \$76,450,000.

Oklahoma  
Fort Sill, \$22,300,000.

Oregon  
Umatilla Depot Activity, \$45,500,000.

Pennsylvania  
Carlisle Barracks, \$27,850,000.  
Fort Indiantown Gap, \$4,600,000.  
Tobyhanna Army Depot, \$6,450,000.

Texas  
Fort Hood, \$43,400,000.  
Fort Sam Houston, \$22,250,000.

Utah  
Dugway Proving Ground, \$14,040,000.

Virginia  
Fort A.P. Hill, \$2,500,000.  
Fort Belvoir, \$2,200,000.  
Fort Eustis, \$520,000.  
Fort Meyer, \$1,500,000.

Washington  
Fort Lewis, \$36,050,000.

Wisconsin  
Fort McCoy, \$12,150,000.

Various Locations  
Classified Location, \$4,000,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real proper-

ty and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

Germany  
Ansbach, \$4,900,000.  
Bad Kreuznach, \$4,400,000.  
Bamberg, \$11,000,000.  
Baumholder, \$10,200,000.  
Bitburg, \$9,700,000.  
Darmstadt, \$2,950,000.  
Fulda, \$2,900,000.  
Giessen, \$42,600,000.  
Grafenwoehr, \$3,900,000.  
Hanau, \$5,000,000.  
Hohenfels, \$4,210,000.  
Kaiserslautern, \$9,650,000.  
Karlsruhe, \$9,000,000.  
Pirmasens, \$1,000,000.  
Rheinberg, \$9,450,000.  
Schweinfurt, \$1,300,000.  
Vilseck, \$7,150,000.  
Wildflecken, \$12,400,000.  
Worms, \$1,350,000.  
Wuerzburg, \$11,800,000.  
Various, \$2,500,000.

Honduras  
Various Locations, \$2,400,000.

Japan  
Various Locations, \$14,800,000.

Korea  
Camp Carroll, \$890,000.  
Camp Casey, \$8,400,000.  
Camp Castle, \$3,950,000.  
Camp Garry Owen, \$1,500,000.  
Camp Henry, \$11,600,000.  
Camp Humphreys, \$8,800,000.  
Camp Indian, \$2,800,000.  
Camp Laguardia, \$2,000,000.  
Camp Long, \$1,600,000.  
Camp Mercer, \$3,100,000.  
Camp Nimble, \$1,600,000.  
Camp Pelham, \$9,300,000.  
Camp Sears, \$5,500,000.  
K-16 Airfield, \$1,600,000.  
Location 177, \$800,000.  
Various, \$8,900,000.

Various Locations  
Classified Locations, \$10,500,000.

SEC. 2102. FAMILY HOUSING

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Army may, using amounts appropriated pursuant to section 2104(a)(7)(A), construct or acquire family housing units (including land acquisition), at the following installations in the number of units shown, and in the amount shown, for each installation: Hawaii, Oahu Various, one hundred twenty-six units, \$15,000,000. Verona, Italy, one unit, \$300,000.

(b) PLANNING AND DESIGN.—The Secretary of the Army may, using amounts appropriated pursuant to section 2104(a)(7)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$3,190,000.

(c) WAIVER OF SPACE LIMITATIONS FOR GENERAL OFFICER'S QUARTERS AT VERONA, ITALY.—(1) Notwithstanding the maximum space limitations under section 2826(a) of title 10, United States Code, the Secretary of the Army may carry out a new construction project at Verona, Italy, for General Officer Quarters to contain not more than 3000 square feet.

(2) For purposes of this subsection, the term, "net floor area" has the meaning given that term by section 2826(f) of title 10, United States Code.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Army may, using amounts appropriated pursuant to section 2104(a)(7)(A), improve existing military family housing in an amount not to exceed \$40,010,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Army may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown for each installation: Walter Reed Army Medical Center, eight units, \$370,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$2,617,650,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), \$574,870,000.

(2) For military construction projects outside the United States authorized by section 2101(b), \$267,400,000.

(3) For the construction of the Central Distribution Center, Phase III, Red River Army Depot, Texas, as authorized by section 2101 of the National Defense Authorization Act, 1989, \$39,000,000.

(4) For unspecified minor construction projects authorized under section 2805 of title 10, United States Code, \$12,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$96,530,000.

(6) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, \$5,500,000.

(7) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$58,500,000.

(B) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$1,558,750,000, of which not more than \$453,884,000 may be obligated or expended for the leasing of military family housing worldwide.

(8) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, \$5,100,000, to remain in effect until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE II—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction

projects in the amounts shown for each of the following installations and locations inside the United States:

Alaska

Adak, Naval Air Station, \$3,200,000.  
Adak, Naval Security Group Activity, \$2,500,000.

Arizona

Yuma, Marine Corps Air Station, \$3,000,000.

California

Camp Pendleton, Marine Corps Base, \$25,000,000.  
Camp Pendleton, Naval Hospital, \$1,050,000.  
China Lake, Naval Weapons Center, \$17,500,000.  
Concord, Naval Weapons Station, \$16,500,000.  
Coronado, Naval Amphibious Base, \$19,800,000.  
El Centro, Naval Air Facility, \$7,700,000.  
El Toro, Marine Corps Air Station, \$13,000,000.  
Lemoore, Naval Air Station, \$1,320,000.  
Long Beach, Naval Shipyard, \$500,000.  
Long Beach, Naval Station, \$3,500,000.  
Miramar, Naval Air Station, \$6,220,000.  
Monterey, Naval Postgraduate School, \$12,080,000.  
North Island, Naval Air Station, \$1,500,000.  
Point Mugu, Pacific Missile Test Center, \$2,060,000.  
Port Hueneme, Naval Construction Battalion Center, \$2,000,000.  
Port Hueneme, Naval Ship Weapon Systems Engineering Station, \$10,100,000.  
San Diego, Fleet Anti-Submarine Warfare Training Center, Pacific, \$2,100,000.  
San Diego, Fleet Combat Training Center, Pacific, \$15,260,000.  
San Diego, Naval Hospital, \$1,500,000.  
San Diego, Naval Ocean Systems Center, \$11,700,000.  
San Diego, Naval Station, \$8,430,000.  
San Diego, Naval Submarine Base, \$440,000.  
San Diego, Naval Supply Center, \$6,340,000.  
San Diego, Naval Training Center, \$11,950,000.  
San Diego, Navy Public Works Center, \$21,200,000.  
San Francisco, Navy Public Works Center, \$11,200,000.  
Seal Beach, Naval Weapons Station, \$8,830,000.  
Skaggs Island, Naval Security Group Activity, \$1,472,000.  
Twentynine Palms, Marine Corps Air-Ground Combat Center, \$10,100,000.

Connecticut

New London, Naval Submarine Base, \$26,270,000.  
New London, Naval Submarine School, \$15,000,000.

District of Columbia

Washington, Naval Research Laboratory, \$9,800,000.

Florida

Cecil Field, Naval Air Station, \$4,010,000.  
Jacksonville, Naval Air Station, \$9,100,000.  
Key West, Naval Air Station, \$7,000,000.  
Mayport, Fleet Training Center, \$5,300,000.  
Mayport, Naval Station, \$3,600,000.  
Orlando, Naval Training Center, \$17,950,000.  
Panama City, Naval Coastal Systems Center, \$5,300,000.

Pensacola, Navy Public Works Center, \$3,440,000.

Georgia

Albany, Marine Corps Logistics Base, \$2,600,000.  
Kings Bay, Naval Submarine Base, \$69,120,000.

Hawaii

Lualualei, Naval Magazine, \$1,400,000.  
Pearl Harbor, Commander Oceanographic System Pacific, \$10,200,000.  
Pearl Harbor, Naval Submarine Base, \$2,000,000.  
Pearl Harbor, Navy Public Works Center, \$6,900,000.

Illinois

Great Lakes, Naval Training Center, \$2,800,000.  
Great Lakes, Navy Public Works Center, \$1,800,000.

Indiana

Crane, Naval Weapons Support Center, \$8,900,000.

Maine

Kittery, Portsmouth Naval Shipyard, \$30,500,000.

Maryland

Bethesda, Naval Hospital, \$9,000,000.  
Indian Head, Naval Ordnance Station, \$6,400,000.  
Patuxent River, Naval Air Test Center, \$3,000,000.  
Patuxent River, Naval Hospital, \$2,250,000.

Mississippi

Bay St. Louis, Naval Oceanography Command Facility, \$1,700,000.  
Gulfport, Naval Construction Training Center, \$8,600,000.

Nevada

Fallon, Naval Air Station, \$3,340,000.

New Jersey

Earle, Naval Weapons Station, \$20,000,000.

New Mexico

White Sands, Naval Ordnance Missile Test Station, \$600,000.

New York

Garden City, Director 1st Marine Corps District, \$440,000.

North Carolina

Camp Lejeune, Marine Corps Base, \$41,580,000.  
Cherry Point, Marine Corps Air Station, \$9,350,000.

Pennsylvania

Philadelphia, Naval Station, \$5,100,000.  
Warminster, Naval Air Development Center, \$13,700,000.

Rhode Island

Newport, Naval Education and Training Center, \$6,350,000.  
Newport, Naval Underwater Systems Center, \$4,000,000.

South Carolina

Beaufort, Marine Corps Air Station, \$6,500,000.  
Charleston, Naval Hospital, \$550,000.  
Charleston, Naval Shipyard, \$500,000.  
Charleston, Naval Station, \$500,000.  
Charleston, Naval Weapons Station, \$36,300,000.  
Parris Island, Marine Corps Recruit Depot, \$3,400,000.

## Texas

Corpus Christi, Naval Air Station, \$4,700,000.

Lackland Air Force Base, Naval Technical Training Center Detachment, \$11,800,000.

## Virginia

Arlington, Headquarters Marine Corps, \$2,800,000.

Camp Elmore, Marine Corps Detachment, \$2,850,000.

Dahlgren, Naval Space Surveillance System, \$9,800,000.

Dam Neck, Fleet Combat Direction Systems Support Activity, \$6,330,000.

Dam Neck, Marine Environmental Systems Facility, \$8,000,000.

Little Creek, Naval Amphibious Base, \$21,850,000.

Little Creek, Naval Amphibious School, \$2,240,000.

Norfolk, Fleet Training Center, \$18,000,000.

Norfolk, Naval Station, \$9,000,000.

Norfolk, Navy Public Works Center, \$3,130,000.

Oceana, Naval Air Station, \$3,150,000.

Portsmouth, Shore Intermediate Maintenance Activity, \$12,094,000.

Quantico, Marine Corps Combat Development Command, \$19,850,000.

Quantico, Naval Research Laboratory Washington Annex, \$2,600,000.

Wallops Island, Naval Surface Warfare Center, \$5,460,000.

## Washington

Bangor, Trident Refit Facility, \$3,010,000.

Bangor, Trident Training Facility, \$3,600,000.

Bremerton, Puget Sound Naval Shipyard, \$1,700,000.

Everett, Naval Station, \$22,150,000.

Keyport, Naval Undersea Warfare Engineering Station, \$18,500,000.

Oak Harbor, Naval Hospital, \$2,170,000.

Silverdale, Strategic Weapons Facility Pacific, \$53,700,000.

Whidbey Island, Naval Air Station, \$17,900,000.

Whidbey Island, Naval Facility, \$1,550,000.

## Various Locations

Land Acquisition, \$7,800,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

## Canada

Argentia, Newfoundland, Naval Facility, \$1,350,000.

## Guam

Fleet Surveillance Support Command, \$30,000,000.

Naval Magazine, \$9,000,000.

Naval Supply Depot, \$2,900,000.

## Iceland

Keflavik, Naval Air Station, \$1,030,000.

Keflavik, Naval Communication Station, \$4,370,000.

## Italy

Sicily, Naval Communication Station, \$1,750,000.

Signonella, Naval Air Station, \$7,360,000.

## Japan

Hanza, Okinawa, Naval Security Group Activity, \$1,000,000.

Iwakuni, Marine Corps Air Station, \$3,090,000.

## Puerto Rico

Sabana Seca, Naval Security Group Activity, \$810,000.

## Spain

Rota, Naval Communication Station, \$1,740,000.

## United Kingdom

Brawdy Wales, Fleet Surveillance Support Command, \$3,600,000.

London, Personnel Support Activity, \$500,000.

## Various Locations

Host Nation Infrastructure Support, \$1,000,000.

## SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Navy may, using amounts appropriated pursuant to section 2204(a)(8)(A), construct or acquire family housing units (including land acquisition), at the following installations in the number of units shown, and in the amount shown, for each installation:

Camp Pendleton, Marine Corps Base, California, one hundred and twelve units, \$11,750,000.

Long Beach, Naval Station, California, three hundred units, \$24,900,000.

Point Mugu, Pacific Missile Test Center, California, Family Housing Office, \$480,000.

San Diego, Navy Public Works Center, California, three hundred units, \$31,850,000.

New York, Naval Station, New York, one hundred and fifty units, \$19,600,000.

Little Creek, Naval Amphibious Base, Virginia, Family Housing Office \$370,000.

Norfolk, Navy Public Works Center, Virginia, Community Centers, \$830,000.

Naval Air Station, Family Housing Office, Bermuda, \$374,000.

Guantanamo Bay, Naval Station, Cuba, two hundred and fifty-four units, \$31,669,000.

Keflavik, Naval Air Station, Iceland, one hundred and twelve units, \$27,200,000.

(b) PLANNING AND DESIGN.—The Secretary of the Navy may, using amounts appropriated pursuant to section 2204(a)(8)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$1,500,000.

## SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may, using amounts appropriated pursuant to section 2204(a)(8)(A), improve existing military family housing units in the amount of \$45,677,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Navy may carry out projects to improve existing military family housing units at the following installations in the number of units shown and in the amount shown, for each installation:

Camp Pendleton, Marine Corps Base, California, one hundred seventy units, \$7,642,000.

Great Lakes, Navy Public Works Center, Illinois, one hundred seventy-eight units, \$9,244,600.

Thurmont, Naval Support Facility, Maryland, twenty-one units, \$902,900.

Fallon, Naval Air Station, Nevada, one unit, \$130,400.

Portsmouth, Hospital, Virginia, one unit, \$82,100.

Bangor, Naval Submarine Base, Washington, one hundred units, \$6,058,600.

Subic Bay, Navy Public Works Center, Philippines, thirty-four units, \$1,813,100.

Roosevelt Roads, Naval Station, Puerto Rico, thirty-two units, \$1,804,200.

## SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$2,082,100,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), \$960,936,000.

(2) For military construction projects outside the United States authorized by section 2201(b), \$69,500,000.

(3) For the construction of Bancroft Hall, United States Naval Academy, Annapolis, Maryland, as authorized by section 1201(a), \$24,000,000.

(4) For the construction of the Headquarters Building, Suitland Naval Intelligence Command Headquarters, Suitland, Maryland, as authorized by section 2201(a) of the Military Construction Authorization Act, 1989, \$55,048,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$15,500,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$81,999,000.

(7) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, \$4,017,000.

(8) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$196,200,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), \$674,900,000, of which not more than \$66,421,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

## TITLE III—AIR FORCE

## SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amount shown for each of the installations and locations inside the United States:

## Alabama

Gunter Air Force Base, \$21,000,000.

Maxwell Air Force Base, \$21,600,000.

## Alaska

Clear Air Force Station, \$5,000,000.

Eielson Air Force Base, \$15,450,000.

Elmendorf Air Force Base, \$10,500,000.

King Salmon Airport, \$2,400,000.

Shemya Air Force Base, \$48,200,000.

Various Locations, \$12,000,000.

Arizona  
Davis-Monthan Air Force Base, \$2,600,000.  
Luke Air Force Base, \$5,900,000.  
Williams Air Force Base, \$9,180,000.

California  
Beale Air Force Base, \$6,100,000.  
Castle Air Force Base, \$2,950,000.  
Edwards Air Force Base, \$17,100,000.  
Fort MacArthur, \$2,300,000.  
March Air Force Base, \$1,050,000.  
McClellan Air Force Base, \$11,600,000.  
Sierra Army Depot, \$3,150,000.

Colorado  
Falcon Air Force Station, \$2,000,000.  
Lowry Air Force Base, \$2,200,000.  
Peterson Air Force Base, \$11,150,000.  
United States Air Force Academy, \$36,600,000.

Florida  
Avon Park Range, \$700,000.  
Cape Canaveral Air Force Station, \$2,000,000.  
Eglin Air Force Base, \$4,700,000.  
Eglin Auxiliary Field Number 9, \$11,250,000.  
Homestead Air Force Base, \$7,800,000.  
MacDill Air Force Base, \$12,250,000.  
Patrick Air Force Base, \$6,600,000.  
Tyndall Air Force Base, \$6,370,000.

Georgia  
Moody Air Force Base, \$6,600,000.  
Robins Air Force Base, \$36,200,000.

Hawaii  
Hickam Air Force Base, \$3,300,000.  
Wheeler Air Force Base, \$2,000,000.

Idaho  
Mountain Home Air Force Base, \$4,399,000.

Illinois  
Scott Air Force Base, \$1,200,000.

Louisiana  
Barksdale Air Force Base, \$2,370,000.  
England Air Force Base, \$4,410,000.

Maine  
Bangor Air National Guard Base, \$970,000.  
Loring Air Force Base, \$4,530,000.

Maryland  
Andrews Air Force Base, \$17,850,000.  
Fort George G. Meade, \$1,750,000.

Massachusetts  
Hanscom Air Force Base, \$3,700,000.

Michigan  
K.I. Sawyer Air Force Base, \$2,700,000.  
Wurtsmith Air Force Base, \$900,000.

Mississippi  
Columbus Air Force Base, \$400,000.

Missouri  
Whiteman Air Force Base, \$112,090,000.

Montana  
Malmstrom Air Force Base, \$1,650,000.

Nebraska  
Offutt Air Force Base, \$2,500,000.

Nevada  
Indian Springs Auxiliary Field, \$2,550,000.  
Nellis Air Force Base, \$9,910,000.

New Jersey  
McGuire Air Force Base, \$25,400,000.

New Mexico  
Holloman Air Force Base, \$6,230,000.  
Kirtland Air Force Base, \$1,500,000.

New York  
Griffiss Air Force Base, \$6,000,000.

Plattsburgh Air Force Base, \$1,760,000.

North Carolina  
Pope Air Force Base, \$4,800,000.  
Seymour Johnson Air Force Base, \$1,450,000.

North Dakota  
Grand Forks Air Force Base, \$23,400,000.  
Minot Air Force Base, \$3,800,000.

Ohio  
Wright-Patterson Air Force Base, \$10,150,000.

Oklahoma  
Altus Air Force Base, \$8,700,000.  
Tinker Air Force Base, \$44,000,000.  
Vance Air Force Base, \$1,330,000.

South Carolina  
Charleston Air Force Base, \$14,390,000.  
Myrtle Beach Air Force Base, \$700,000.

South Dakota  
Ellsworth Air Force Base, \$14,200,000.

Texas  
Bergstrom Air Force Base, \$2,400,000.  
Brooks Air Force Base, \$4,100,000.  
Carswell Air Force Base, \$14,860,000.  
Dyess Air Force Base, \$7,010,000.  
Goodfellow Air Force Base, \$2,670,000.  
Kelly Air Force Base, \$5,600,000.  
Lackland Air Force Base, \$22,550,000.  
Laughlin Air Force Base, \$1,870,000.  
Randolph Air Force Base, \$4,650,000.  
Reese Air Force Base, \$4,590,000.  
Sheppard Air Force Base, \$8,800,000.

Utah  
Hill Air Force Base, \$18,800,000.

Virginia  
Langley Air Force Base, \$6,720,000.

Washington  
Fairchild Air Force Base, \$11,500,000.  
McChord Air Force Base, \$4,700,000.

Wyoming  
F.E. Warren Air Force Base, \$10,850,000.

Various Locations  
Classified Location, \$3,150,000.  
Classified Location, \$89,030,000.  
Classified Location, \$74,850,000.  
Classified Location, \$69,780,000.  
Classified Location, \$11,200,000.  
Various Location, \$13,800,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

Antigua  
Antigua Air Station, \$8,200,000.

Canada  
Various Locations, \$6,291,000.

Germany  
Bitburg Air Base, \$2,100,000.  
Hahn Air Base, \$1,400,000.  
Lahr Air Base, \$2,200,000.  
Marienfelde Communication Station, \$1,621,000.  
Ramstein Air Base, \$6,550,000.  
Rhein-Main Air Base, \$9,450,000.  
Spangdahlem Air Base, \$12,400,000.  
Zweibrucken Air Base, \$1,300,000.

Greenland  
Thule Air Base, \$12,500,000.

Guam  
Andersen Air Force Base, \$5,600,000.

Honduras  
La Mesa Air Base, \$13,400,000.  
Palmerola Air Base, \$3,800,000.

Italy  
Aviano Air Base, \$1,950,000.  
Comiso Air Base, \$1,300,000.  
Crotona Air Base, \$5,850,000.  
Ghedi Air Base, \$550,000.  
Rimini Air Base, \$510,000.  
San Vito Air Station, \$2,750,000.

Japan  
Kadena Air Base, \$1,950,000.  
Misawa Air Base, \$3,000,000.

Korea  
Kunsan Air Base, \$13,940,000.  
Osan Air Base, \$24,200,000.  
Suwon Air Base, \$1,300,000.  
Taegu Air Base, \$2,450,000.

Netherlands  
Soesterberg Air Base, \$5,900,000.

Philippines  
Clark Air Base, \$31,030,000.

Seychelle Islands  
Mahe Air Station, \$4,000,000.

Turkey  
Ankara Air Station, \$2,000,000.  
Eskisehir Air Base, \$2,500,000.  
Incirlik Air Base, \$4,480,000.  
Pirinlik Air Station, \$1,650,000.

United Kingdom  
High Wycombe Air Station, \$1,400,000.  
RAF Alconbury, \$10,600,000.  
RAF Bentwaters, \$3,300,000.  
RAF Chicksands, \$12,600,000.  
RAF Fairford, \$10,750,000.  
RAF Greenham Common, \$2,450,000.  
RAF Lakenheath, \$16,500,000.  
RAF Mildenhall, \$1,100,000.  
RAF Upper Heyford, \$13,650,000.  
RAF Woodbridge, \$1,350,000.

Various Locations  
Classified Location, \$7,200,000.  
Classified Location, \$5,300,000.  
Classified Location, \$4,980,000.  
Classified Location, \$930,000.  
Classified Location, \$14,243,000.

Worldwide Classified  
Classified Location, \$2,700,000.  
Classified Location, \$4,300,000.  
Classified Location, \$3,900,000.  
Classified Location, \$4,700,000.

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(8)(A), construct or acquire family housing units (including land acquisition) at the following installations in the number of units shown, and in the amount shown, for each installation:

Eglin Auxiliary Airfield number 9, Florida, three hundred units, \$21,753,000  
Clark Air Base, Philippines, four hundred and fifty units, \$34,655,000.  
Classified Location, ninety-nine units, \$7,023,000.  
Nellis Air Force Base, Nevada, housing office, \$235,000.  
Holloman Air Force Base, New Mexico, housing maintenance facility, \$219,000.  
Charleston Air Force Base, South Carolina, housing office and maintenance facility \$592,000.  
Myrtle Beach Air Force Base, South Carolina, housing office, \$258,000.  
Ellsworth Air Force Base, South Dakota, housing office, \$313,000.  
Andersen Air Force Base, Guam, housing supply and storage facility, \$1,371,000.  
Osan Air Base, Korea, housing supply and storage supply facility, \$867,000.

(b) **PLANNING AND DESIGN.**—The Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(8)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$8,000,000.

**SEC. 2303. IMPROVEMENT TO MILITARY FAMILY HOUSING UNITS.**

(a) **IN GENERAL.**—Subject to section 2825 of Title 10, United States Code, the Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(8)(A), improve existing military family housing units in an amount not to exceed \$192,714,000.

(b) **WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.**—Notwithstanding the maximum amount per unit for an improvement project under Section 2825(b) of title 10, United States Code, the Secretary of the Air Force may carry out projects to improve existing military family housing units at the following installations, in the number of units shown, and in the amount shown, for each installation: Maxwell Air Force Base, Alabama, Thirty-five units, \$1,879,000; one unit, \$110,000; seven units, \$728,000.

Eielson Air Force Base, Alaska, fifty-one units, \$5,669,000.

Elmendorf Air Force Base, Alaska, forty units \$4,451,000.

Eaker Air Force Base, Arkansas, one hundred eighty-eight units, \$9,469,000.

McClellan Air Force Base, California, fifteen units, \$1,004,000.

Travis Air Force Base, California one hundred forty-four units, \$7,560,000.

Peterson Air Force Base, Colorado, Thirty-five units, \$1,622,000.

Boiling Air Force Base, District of Columbia, fifty-eight units, \$2,414,000.

Eglin Air Force Base, Florida, fifty-four units, \$1,857,000.

MacDill Air Force Base, Florida, forty-four units, \$2,456,000.

Robins Air Force Base, Georgia, forty units, \$1,710,000.

Plattsburg Air Force Base, New York, two hundred twenty-four units, \$14,760,000.

Charleston Air Force Base, South Carolina, one hundred eighty units, \$7,203,000.

Myrtle Beach Air Force Base, South Carolina, one hundred thirty units, \$5,759,000.

Shaw Air Force Base, South Carolina, one hundred twenty-four units, \$5,843,000.

Bergstrom Air Force Base, Texas, eighty-eight units, \$3,312,000.

Kelly Air Force Base, Texas, thirty-three units, \$1,750,000.

Laughlin Air Force Base, Texas, one hundred forty units, \$5,012,000.

Sheppard Air Force Base, Texas, one hundred ninety-seven units, \$7,633,000.

Fairchild Air Force Base, Washington, two hundred two units, \$10,759,000.

Ramstein Air Force Base, Germany, one unit, \$124,000; fifty-four units, \$3,761,000; ninety units \$6,630,000.

Spangdahlem Air Base, Germany, two units, \$217,000.

Kadena Air Base, Japan, seventy-five units, \$6,338,000; ninety-two units, \$6,018,000.

Clark Air Base, Philippines, one hundred fifty units, \$6,009,000.

Moron Air Base, Spain, thirty-six units, \$2,192,000.

RAF Bentwaters, United Kingdom, forty-two units, \$2,082,000; twenty-four units, \$2,078,000.

RAF Chicksands, United Kingdom, thirty-four units, \$2,989,000.

RAF Lakenheath, United Kingdom, sixty units, \$3,512,000; ten units, \$834,000; fourteen units \$940,000.

RAF Mildenhall, United Kingdom, fourteen units, \$699,000.

**(C) WAIVER OF SPACE LIMITATIONS FOR FAMILY HOUSING UNITS—**

(1) To support the United States Air Forces in Europe, and Military Airlift Command, the Secretary of the Air Force may carry out an improvement project to add to and alter existing family housing units and (notwithstanding section 2826(a) of title 10, United States Code) increase the net floor area of one family housing unit at Ramstein Air Base, Germany, to not more than 3,636 square feet.

(2) For purpose of the subsection the term "net floor area" has the same meaning given that term by section 2826(f) of title 10, United States Code.

**SEC. 2304. AUTHORIZATION OF APPROPRIATIONS. AIR FORCE.**

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$2,709,300,000.

(1) For military construction projects inside the United States authorized by section 2301(a), \$1,087,019,000.

(2) For military construction projects outside the United States authorized by section 2301(b), \$321,225,000.

(3) For the construction of the Large Rocket Test Facility, Arnold Engineering Development Center, Tennessee, as authorized by section 2301(a) of the Military Construction Authorization Act of 1989, \$66,300,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$12,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$114,756,000.

(6) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, \$5,000,000.

(7) For military family housing functions—

(A) For construction and acquisition of military family housing and facilities, \$268,000,000; and

(B) for support of military housing (including functions described in Section 2833 of title 10, United States Code), \$835,000,000 of which not more than \$138,632,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

**TITLE IV—DEFENSE AGENCIES**

**SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of

the following installations and locations inside the United States:

**Defense Communications Agency**

Wheeler Air Force Base, Hawaii, \$800,000.  
Arlington Service Center, Virginia, \$2,600,000.

**Defense Logistics Agency**

Defense Reutilization and Marketing Office, Anniston Army Depot, Alabama, \$2,100,000.

Defense Depot, Tracy, California, \$16,250,000.

Defense Reutilization and Marketing Office, Stockton, California, \$800,000.

Defense Fuel Support Point, Jacksonville, Florida, \$2,200,000.

Defense Contract Administrative Services Region, Chicago, Illinois, \$4,346,000.

Defense Depot, Mechanicsburg, Pennsylvania, \$17,720,000.

Defense Reutilization and Marketing Office, Fort Jackson, South Carolina, \$500,000.

Defense Depot, Memphis, Tennessee, \$14,160,000.

Defense Fuel Support Point, Norfolk, Virginia, \$19,500,000.

Defense General Supply Center, Richmond, Virginia, \$4,924,000.

Defense Reutilization and Marketing Office, F.E. Warren Air Force Base, Wyoming, \$1,700,000.

**Defense Medical Facilities Office**

Marine Corps Base, Camp Pendleton, California, \$3,900,000.

Walter Reed Army Medical Center, District of Columbia, \$3,400,000.

MacDill Air Force Base, Florida, \$3,000,000.

Fort Benning, Georgia, \$1,950,000.

Fort Riley, Kansas, \$880,000.

Whiteman Air Force Base, Missouri, \$9,900,000.

Fallon Naval Air Station, Nevada, \$5,800,000.

Nellis Air Force Base, Nevada, \$62,000,000.

Marine Corps Base, Camp Lejeune, North Carolina, \$2,700,000.

Altus Air Force Base, Oklahoma, \$500,000.

Philadelphia Naval Shipyard, Pennsylvania, \$11,000,000.

Fort Hood, Texas, \$3,150,000.

Lackland Air Force Base, Texas, \$2,700,000.

Dam Neck Flight Center, Virginia, \$5,000,000.

Fort Lee, Virginia, \$2,450,000.

Marine Corps Base, Quantico, Virginia, \$1,800,000.

**National Security Agency**

Fort George C. Meade, Maryland, \$20,396,000.

**Office of the Secretary of Defense**

Defense Language Institute, Monterey, California, \$6,150,000.

The Pentagon, Arlington, Virginia, \$76,300,000.

Uniformed Services University of the Health Sciences, Bethesda, Maryland, \$800,000.

Classified Location, \$35,100,000.

Strategic Defense Initiative Organization

Barking Sands Pacific Missile Range, Hawaii, \$3,650,000.

Nevada Test Site, Nevada, \$5,350,000.

(b) **OUTSIDE THE UNITED STATES.**—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

## Defense Medical Facilities Office

Ferris Barracks, Nuernberg, Germany, \$4,750,000.  
 Hardt Kaserne, Goeppingen, Germany, \$4,450,000.  
 Hohenfels Training Area, Germany, \$4,800,000.  
 Lucius Clay Kaserne, Norddeutschland, Germany, \$3,550,000.  
 Ramstein Air Base, Germany, \$18,500,000.  
 Ray Barracks, Giesen, \$4,400,000.  
 Rhein-Main Air Base, Germany, \$940,000.  
 Aviano Air Base, Italy, \$1,300,000.  
 Vicenza, Italy, \$20,000,000.  
 Camp Casey, Korea, \$970,000.  
 Camp Humphreys, Korea, \$1,092,000.  
 Kunsan Air Base, Korea, \$14,000,000.  
 Sinop, Turkey, \$1,700,000.  
 Arbroath, United Kingdom, \$11,188,000.  
 Locking, United Kingdom, \$14,000,000.

## Defense Nuclear Agency

Johnston Atoll, \$8,295,000.

## Department of Defense Schools

Augsburg, Germany, \$6,491,000.  
 Darmstadt, Germany, \$7,867,000.  
 Karlsruhe, Germany, \$4,704,000.  
 Mannheim, Germany, \$6,267,000.  
 Ramstein Air Base, Germany, \$11,863,000.  
 Wiesbaden, Germany, \$5,925,000.  
 Zweibruecken, Germany, \$4,365,000.  
 Clark Air Base, Philippines, \$7,200,000.  
 Harrogate, United Kingdom, \$1,782,000.  
 Royal Air Force, Feltwell, United Kingdom, \$8,825,000.  
 Various Locations, \$16,800,000.

Department of Defense Section VI Schools  
 Fort Buchanan, Puerto Rico, \$4,200,000.

## National Security Agency

Classified Location, \$2,000,000.

## SEC. 2402. FAMILY HOUSING.

The Secretary of Defense may, using amounts appropriated pursuant to section 2405(a)(9)(A), construct or acquire three family housing units (including land acquisition) at classified locations in the total amount not to exceed \$400,000.

## SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to Section 2825 of title 10, United States Code, the Secretary of Defense may, using amounts appropriated pursuant to section 2405(a)(9)(A), improve existing military family housing units in an amount not to exceed \$100,000.

## SEC. 2404. CONFORMING STORAGE FACILITIES.

Section 2404(a) of the Military Construction Authorization Act, 1987 (PL 99-661), as amended by Section 2149 of the Military Construction Authorization Act, 1988 and 1989 (PL 100-180), by Section 2405 of the Military Construction Authorization Act, 1989 (PL 100-456), and by Section 1404, is further amended to read as follows:

"(a) AUTHORITY TO CONSTRUCT.—The Secretary of Defense may, using not more than \$10,000,000 appropriated for fiscal year 1987, using not more than \$5,000,000 appropriated for fiscal year 1988, using not more than \$9,300,000 appropriated for fiscal year 1989, using not more than \$11,000,000 appropriated for fiscal year 1990, and using not more than \$15,000,000 appropriated for fiscal year 1991, carry out military construction projects not otherwise authorized by law for conforming storage facilities."

## SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and mili-

tary family housing functions of the Department of Defense (other than the military departments), in the total amount of \$973,100,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$355,476,000.

(2) For military construction projects outside the United States authorized by section 2401(b), \$202,224,000.

(3) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987, as amended, \$84,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 1401(a), \$176,000,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$14,200,000.

(6) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$10,000,000.

(7) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, \$94,400,000.

(8) For conforming storage facilities constructed under the authority of section 2404 of the Military Construction Authorization Act, 1987, as amended, \$15,000,000.

(9) For military family housing functions—

(A) for construction and acquisition of military family housing facilities, \$500,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), \$21,300,000, of which not more than \$18,135,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of Title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

## TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

## SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

## SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990 for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501, in the amount of \$503,600,000.

## TITLE VI—GUARD AND RESERVE FORCES FACILITIES

## SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1990, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) for the Department of the Army—  
 (A) for the Army National Guard of the United States, \$119,500,000, and

(B) for the Army Reserve, \$61,900,000.  
 (2) for the Department of the Navy, for the Naval and Marine Corps Reserve, \$53,300,000.

(3) for the Department of the Air Force—  
 (A) for the Air National Guard of the United States, \$107,200,000, and

(B) for the Air Force Reserve, \$38,500,000.

## TITLE VII—EXPIRATION OF AUTHORIZATIONS

## SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATION AFTER TWO YEARS. Except as provided in subsection (b), all authorizations contained in titles I, II, III, and V for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor) shall expire on October 1, 1992, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1993, whichever is later.

(b) EXCEPTION.—The provisions of subsection (a) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1992, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1993, whichever is later, for construction contracts, land acquisition, family housing projects and facilities, or contributions to the NATO Infrastructure Program.

## SEC. 2702. EFFECTIVE DATES.

Titles I, II, III, IV, V, and VI shall be in effect as of October 1, 1990 or the date of enactment of a Military Construction Authorization for FY 1991, whichever is later.

## Subdivision 3

## TITLE VIII—GENERAL PROVISIONS

## MINOR CONSTRUCTION

SEC. 801. Section 2805 of title 10, United States Code, is amended:

(a) in subsection (a) by striking "\$1,000,000" and inserting in lieu thereof "\$1,500,000", and

(b) in subsection (c) by striking "\$200,000" and inserting in lieu thereof "\$300,000".

## FAMILY HOUSING RENTAL GUARANTEE PROGRAM

SEC. 802. Section 802 of the Military Construction Act, 1984 (10 U.S.C. subsection 2821 note) is amended:

(a) in subsection (b)(11) by striking ". . . rendering the agreement null and void . . ." and inserting in lieu thereof ". . . either rendering the agreement null and

void or such other remedy as is deemed appropriate . . .", and

(b) by adding the following after subsection (b)(12):

"(b)(13) may provide that utilities, trash collection, snow removal, and entomological services will be furnished by the government, at no cost to the occupant to the same extent that these items are provided to occupants of government-owned housing, and

"(b)(14) may require that rent collection and the operation and maintenance of the housing be accomplished through the use of separate agreements or the use of government personnel."

#### FAMILY HOUSING LEASING

Sec. 803. Section 2828 of title 10, United States Code is amended as follows:

(a) in subsection (b)(2) strike "10,000" and insert in lieu thereof "12,000".

(b) strike subsection (b)(3)(B) and re-letter subsection (b)(3)(A) as subsection (b)(3).

(c) in re-lettered subsection (b)(3)—

(i) strike the phrase "Except as provided in subparagraph (B), not" and insert in lieu thereof "Not", and

(ii) strike "\$10,000" and "\$12,000" and insert in lieu thereof "\$12,000" and "\$14,000" respectively.

(d) in subsection (e)(1) strike the first sentence and insert in lieu thereof the following:

"Expenditures for the rental of family housing in foreign countries (including the costs of utilities, maintenance, and operation) may not exceed \$20,000 per unit per annum as adjusted to account for inflation and foreign currency fluctuation from October 1, 1987.", and

(e) in subsection (e)(2) strike "38,000" and insert in lieu thereof "53,419".

#### VOLUNTEER SERVICES

Sec. 804. Subsection 1588(a) of title 10, United States Code is amended by striking "museum" and inserting in lieu thereof "museum, natural resources program."

#### LONG TERM FACILITIES CONTRACTS

Sec. 805. Subsection 2809(c) of title 10, United States Code, is amended by striking "September 30, 1989" and inserting in lieu thereof "September 30, 1991".

#### IMPROVEMENTS TO FAMILY HOUSING UNITS

Sec. 806. Subsection 2825(b)(1) of title 10, United States Code, is amended by adding at the end thereof the following sentence:

"This limitation shall not apply to improvements for three military family housing units for each military department per year when the improvements are necessary to accommodate the needs of the handicapped provided, that the cost for such improvements may not exceed \$100,000 per unit."

#### OPERATION AND CONTROL OF THE PENTAGON RESERVATION

Sec. 807. (a) Chapter 159 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"Subsection 2694. Operation and Control of the Pentagon Reservation

"(a) Notwithstanding any other provision of law, including the First Supplemental National Defense Appropriation Act, 1942, Reorganization Plan No. 18, 1950, the Federal Property and Administrative Services Act of 1949, as amended, and section 2682 of title 10, United States Code, jurisdiction, custody, and control over, and the responsi-

bility to operate and maintain the Pentagon office building and the remainder of the Pentagon Reservation (hereinafter referred to as the Pentagon Reservation), is hereby transferred, without cost, to the Secretary of Defense.

"(b) The Secretary of Defense may appoint military or civilian personnel or contract employees to perform law enforcement and security functions for property occupied, or under the jurisdiction, custody, and control of the Department of Defense located in the National Capital Region. Such individuals:

"(i) may be armed with appropriate firearms required for personal safety and for the proper execution of their duties, whether on Department of Defense property or in travel status, and

"(ii) shall have the same powers as sheriffs and constables to enforce the laws, rules, or regulations enacted for the protection of persons and property.

"(c) The Secretary of Defense may promulgate such rules and regulations that he deems appropriate to insure the safe, efficient, and secure operation of the Pentagon Reservation, including parking and traffic rules. Whoever shall violate any rule or regulation promulgated pursuant to this section shall be fined not more than \$50 or imprisoned not more than thirty days, or both.

"(d) For purposes of this section, the term "Pentagon Reservation" shall include the Pentagon Office Building, Federal Building Number 2, The Pentagon Heating and Sewage Treatment Plants, various parking lots (including North, South, Mall, River, Eads and Hay Street, and "Old Barracks K"), and all land and improvements thereon consisting of approximately 420 acres, plus or minus, excluding the Lagoon."

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof, the following new item:

"2694. Operation and Control of the Pentagon Reservation."

(c) The transfer of jurisdiction, custody, and control over, and the responsibility to operate and maintain the Pentagon Reservation effected by this section shall take effect on October 1, 1989.

#### DESIGN OF PENTAGON ANNEX

Sec. 808. Section 2725 of the National Defense Authorization Act, 1987 (Pub. L. No. 99-661) is hereby repealed.

#### CONSTRUCTION THROUGH NATO GOVERNMENTS

Sec. 809. Section 2343 of title 10, United States Code, is amended by adding at the end thereof, a new subsection (c) as follows:

"(c) Sections 2207 and 2306(b) of this title and section 3741 of the Revised Statutes (41 U.S.C. subsection 22) shall not apply to the acquisition of military construction projects or family housing projects obtained through governments of North Atlantic Treaty Organization subsidiary bodies for elements of the armed forces deployed in Europe and adjacent waters."

#### DOMESTIC BUILD-TO-LEASE PROGRAM

Sec. 810. Subsection 2828(g) of title 10, United States Code, is amended:

(a) by adding at the end of paragraph (8), the following new subparagraph (D):

"(D) In addition to the contracts authorized by paragraph (7) and subparagraphs (A), (B), and (C) of this paragraph—(i) the Secretary of the Navy may enter into one or more contracts under this subsection for not more than a total of 2,000 family housing units, and (ii) the Secretary of the Air Force may enter into one or more contracts under

this subsection for not more than a total of 1,500 family housing units.", and

(b) in paragraph (9), by striking "September 30, 1989" and inserting in lieu thereof "September 30, 1991".

#### HOMEOWNERS ASSISTANCE PROGRAM

Sec. 811. Section 2932 of title 10, United States Code, is amended:

(a) by adding at the beginning thereof "(a)", and

(b) by adding at the end thereof a new subsection (b) as follows:

"(b) Following a determination that such action is necessary, and notwithstanding the limitations of subsection 1013(i) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. subsection 3374(i)), the Secretary of Defense may, from appropriations otherwise available for obligation by the Department of Defense, transfer to the Homeowners Assistance Fund, Defense, as established by subsection 1013(d) of such Act, such sums as the Secretary determines are necessary to extend Homeowners Assistance benefits to eligible homeowners."

#### COOPERATIVE PARTNERSHIPS FOR LAND MANAGEMENT

Sec. 812. Section 101 of the Act of September 15, 1960, as amended (commonly referred to as the "Sikes Act", 16 U.S.C. subsection 670a) is further amended by adding at the end thereof a new subsection (f) as follows:

"(f) The Secretary of Defense is authorized to enter into cooperative agreements with States, local governments, organizations, and individuals willing to match Federal funds or efforts to maintain and improve natural resources or to benefit natural and historic research on Department of Defense installations."

#### TURN-KEY SELECTION PROCEDURES

Sec. 813. Section 2862 of title 10, United States Code, is amended:

(a) by striking subsection (a)(1) and inserting in lieu thereof:

"(a)(1) The Secretaries of the Military Departments or the Heads of Defense Agencies may use one-step turn-key selection procedures for the purpose of entering into contracts for the construction of authorized military construction projects."

(b) in subsection (b) by striking "The Secretary of Defense, with respect to any Defense Agency, or the Secretary of a military department" and inserting in lieu thereof "The Secretary of a Military Department or the Head of a Defense Agency", and

(c) in subsection (c) by striking "1990" and inserting in lieu thereof "1991".

#### AUTHORIZED COST VARIATIONS

Sec. 814. Section 2853 of title 10, United States Code, is amended to read as follows:

"§ 2853. Authorized cost variations

"(a) Except as provided in subsections (c) or (d), the cost authorized for a military construction project or for the construction, improvement, and acquisition of a military family housing project may be increased by not more than 25 percent of the amount appropriated for such project by the Congress or 200 percent of the minor construction project ceiling established pursuant to section 2805(a)(1) of this title, whichever is less, if the Secretary concerned determines that such an increase in cost is required for the sole purpose of meeting unusual variations in cost, and that such variations in cost could not have reasonably been antici-

pated at the time the project was approved originally by the Congress.

"(b) Except as provided in subsection (c), the scope of work for a military construction project or for the construction, improvement, and acquisition of a military family housing project may be reduced by not more than 25 percent from the amount approved by the Congress.

"(c) The limitations on cost increases in subsection (a), and the limitations on scope reductions in subsection (b), do not apply if the increase in cost or reduction in scope is approved by the Secretary concerned and 21 days have elapsed from the date of submission by the Secretary concerned to the appropriate committees of the Congress of a written notification of the rationale for the proposed increase in cost or reduction in scope.

"(d) The limitations on cost increases in subsection (a) do not apply to within scope modifications to existing contracts or to the settlement of contractor claims under existing contracts if the increase in cost is approved by the Secretary concerned and a written notification of the facts relating to the proposed increase in cost is submitted by the Secretary concerned to the appropriate committees of the Congress."

DEVELOPMENT AND LEASE OF LAND AT HENDERSON HALL, ARLINGTON, VIRGINIA

SEC. 815. (a) IN GENERAL.—The Secretary of the Navy (hereinafter in this section referred to as "the Secretary") may:

(1) design and construct a multi-purpose facility of approximately 62,000 square feet to be located at Henderson Hall, Arlington, Virginia.

(2) accept from the Navy Mutual Aid Association reimbursement for all costs for the design, construction, supervision, inspection, and overhead of such facility and credit such funds to the Navy Military Construction Appropriation Account, and

(3) lease, at no cost, to the Navy Mutual Aid Association approximately one-third of the square footage of the facility to be constructed.

(b) TERMS OF LEASE.—The lease entered into under subsection (a) shall—

(1) be for a term of 50 years,

(2) be in full consideration for the monies paid to the Secretary pursuant to subsection (a),

(3) provide that in the event the lease is canceled by the Secretary prior to expiration, the Secretary of the Navy shall, at option, either provide comparable alternative space, or subject to the availability of funds, reimburse the Navy Mutual Aid Association for the unamortized cost of the building, and

(4) allow, at the discretion of the Secretary, for the Navy Mutual Aid Association to continue to use the space after the initial 50 year term, in compliance with laws and regulations applicable at that time.

(c) CONDITIONS.—

(1) Title to the facility shall be and remain in the United States,

(2) All construction authorized under this section shall be awarded through competitive procedures,

(3) Any lease or other agreement entered into under the authority of this section shall be subject to such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

DEPARTMENT OF DEFENSE, OFFICE OF GENERAL COUNSEL, Washington, DC, May 2, 1989.

Hon. J. DANFORTH QUAYLE, President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To authorize certain construction at military installations for Fiscal Years 1990/1991, and for other purposes." This legislative proposal is needed to carry out the President's Fiscal Year 1990 budget plan. The Office of Management and Budget advises that there is no objection to the presentation of this proposal to Congress, and that its enactment would be in accord with the program of the President.

This Proposal would authorize appropriations for new construction and family housing support for the Active Forces as follows: \$2,180,400,000 for the Department of the Army in Fiscal Year 1990 and \$2,617,650,000 in Fiscal Year 1991; \$1,885,400,000 for the Department of the Navy in Fiscal Year 1990 and \$2,082,100,000 in Fiscal Year 1991; \$2,401,390,000 for the Department of the Air Force in Fiscal Year 1990 and \$2,709,300,000 in Fiscal Year 1991; and \$617,500,000 for the Defense Agencies in Fiscal Year 1990 and \$973,100,000 in Fiscal Year 1991. Title V would authorize \$501,900,000 for the United States's share of the NATO Infrastructure Program in Fiscal Year 1990 and \$503,600,000 in Fiscal Year 1991. Title VI, totaling \$452,600,000 in Fiscal Year 1990 and \$380,400,000 in Fiscal Year 1991, would authorize appropriations for the Guard and Reserve Forces. Title VII establishes the effective dates for the program. Title VIII contains the general provisions.

An identical letter has been sent to the Speaker of the House of Representatives.

Sincerely,

L. NIEDERLEHNER, Deputy General Counsel.

By Mr. NUNN (for himself and Mr. WARNER) (by request):

S. 1084. A bill to authorize appropriations for civil defense programs for fiscal years 1990 and 1991; to the Committee on Armed Services.

CIVIL DEFENSE PROGRAMS AUTHORIZATION ACT

● Mr. NUNN. Mr. President, by request, for myself and the senior Senator from Virginia [Mr. WARNER], I introduce, for appropriate reference, a bill to authorize appropriations for civil defense programs for fiscal years 1990 and 1991.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

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

S. 1084

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated for the fiscal year ending September 30, 1990, to carry out the provisions of the Federal Civil Defense Act of 1950, as amended, the sum of \$151,535,000 and the sum of \$154,098,000 for the fiscal year ending September 30 1991.*

FEDERAL EMERGENCY MANAGEMENT AGENCY,

Washington, DC, March 8, 1989.

Hon. J. DANFORTH QUAYLE, President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is draft legislation "To authorize appropriations for civil defense programs for fiscal years 1990 and 1991."

In accordance with section 408 of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2260), the bill authorizes appropriations for \$151,535,000 for fiscal year 1990 and the sum of \$154,098,000 for the fiscal year ending September 30, 1991.

The programs covered by this legislative proposal are included in the residual freeze category of the President's FY 1990 budget plan. Final decisions concerning programs in this category are to be determined through negotiations between the Administration and Congress. Accordingly, this proposal, which as drafted reflects President Reagan's FY 1990 budget request, may need to be revised to reflect the results of such negotiations.

The Office of Management and Budget advises that there is no objection to the presentation of this proposal to Congress.

Sincerely,

GEORGE W. WATSON, Acting General Counsel.●

By Mr. NUNN (for himself and Mr. WARNER) (by request):

S. 1085. A bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes; to the Committee on Armed Services.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT 1990-1991

● Mr. NUNN. Mr. President, by request, for myself and the senior Senator from Virginia [Mr. WARNER], I introduce, for appropriate reference, a bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel strengths for such Department for fiscal years 1990 and 1991, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

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

S. 1085

*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 "Department of Defense Authorization Act, 1990/1991".*

TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ARMY.

(a) FISCAL YEAR 1990.—Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement for the Army as follows:

(1) For aircraft, \$2,906,100,000.  
 (2) For missiles, \$2,566,700,000.  
 (3) For weapons and tracked combat vehicles, \$2,724,000,000.

(4) For ammunition, \$1,704,800,000.  
 (5) For other procurement, \$3,192,900,000.  
 (b) FISCAL YEAR 1991.—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement for the Army as follows:

(1) For aircraft, \$3,038,200,000.  
 (2) For missiles, \$2,803,900,000.  
 (3) For weapons and tracked combat vehicles, \$2,781,600,000.

(4) For ammunition, \$1,574,000,000.  
 (5) For other procurement, \$3,857,200,000.  
 (c) FISCAL YEAR 1992.—Funds are hereby authorized to be appropriated for fiscal year 1992 only for multiyear procurement for the Army as follows:

(1) For aircraft, \$270,500,000.  
 (2) For missiles, \$950,100,000.  
 (3) For weapons and tracked combat vehicles, \$2,478,200,000.

(4) For other procurement, \$739,500,000.  
 (d) FISCAL YEAR 1993.—Funds are hereby authorized to be appropriated for fiscal year 1993 only for multiyear procurement for the Army as follows:

(1) For aircraft, \$399,300,000.  
 (2) For missiles, \$317,800,000.  
 (3) For weapons and tracked combat vehicles, \$2,423,100,000.

(4) For other procurement, \$876,700,000.  
 (e) FISCAL YEAR 1994.—Funds are hereby authorized to be appropriated for fiscal year 1994 only for multiyear procurement for the Army as follows:

(1) For aircraft, \$421,400,000.  
 (2) For missiles, \$74,400,000.  
 (3) For weapons and tracked combat vehicles, \$2,084,100,000.

(4) For other procurement, \$999,200,000.  
 SEC. 102. NAVY AND MARINE CORPS.

(a) FISCAL YEAR 1990, NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1990 for the Navy as follows:

(1) For aircraft, \$8,673,000,000.  
 (2) For weapons (including missiles and torpedoes), \$3,910,400,000.  
 (3) For shipbuilding and conversion, \$9,550,600,000.

(4) For other procurement, \$4,915,000,000.  
 (b) FISCAL YEAR 1990, MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement for the Marine Corps in the amount of \$1,196,800,000.

(c) FISCAL YEAR 1991, NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1991 for the Navy as follows:

(1) For aircraft, \$9,086,300,000.  
 (2) For weapons (including missiles and torpedoes), \$4,465,200,000.  
 (3) For shipbuilding and conversion, \$11,021,500,000.

(4) For other procurement, \$5,697,200,000.  
 (d) FISCAL YEAR 1991, MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement for the Marine Corps in the amount of \$1,398,000,000.

(e) FISCAL YEAR 1992, NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1992 only for multiyear procurement for the Navy as follows:

(1) For aircraft, \$2,852,500,000.  
 (2) For weapons (including missiles and torpedoes), \$345,900,000.  
 (3) For shipbuilding and conversion, \$3,723,300,000.

(f) FISCAL YEAR 1992, MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1992 only for multiyear

procurement for the Marine Corps in the amount of \$29,200,000.

(g) FISCAL YEAR 1993, NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1993 only for multiyear procurement for the Navy as follows:

(1) For aircraft, \$2,947,500,000.  
 (2) For weapons (including missiles and torpedoes), \$558,500,000.  
 (3) For shipbuilding and conversion, \$3,743,000,000.

(h) FISCAL YEAR 1994, NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1994 only for multiyear procurement for the Navy as follows:

(1) For aircraft, \$2,544,100,000.  
 (2) For weapons (including missiles and torpedoes), \$980,300,000.  
 (3) For shipbuilding and conversion, \$3,019,200,000.

#### SEC. 103. AIR FORCE.

(a) FISCAL YEAR 1990.—Funds are hereby authorized to be appropriated for fiscal year 1990 for the Air Force as follows:

(1) For aircraft, \$16,787,200,000.  
 (2) For missiles, \$7,382,200,000.  
 (3) For other procurement, \$8,561,800,000.

(b) FISCAL YEAR 1991.—Funds are hereby authorized to be appropriated for fiscal year 1991 for the Air Force as follows:

(1) For aircraft, \$18,243,800,000.  
 (2) For missiles, \$10,087,600,000.  
 (3) For other procurement, \$9,096,200,000.

(c) FISCAL YEAR 1992.—Funds are hereby authorized to be appropriated for fiscal year 1992 only for multiyear procurement for the Air Force as follows:

(1) For aircraft, \$7,508,500,000.  
 (2) For missiles, \$1,092,500,000.  
 (3) For other procurement, \$234,000,000.

(d) FISCAL YEAR 1993.—Funds are hereby authorized to be appropriated for fiscal year 1993 only for multiyear procurement for the Air Force as follows:

(1) For aircraft, \$11,738,700,000.  
 (2) For missiles, \$559,300,000.  
 (3) For other procurement, \$229,700,000.

(e) FISCAL YEAR 1994.—Funds are hereby authorized to be appropriated for fiscal year 1994 only for multiyear procurement for the Air Force as follows:

(1) For aircraft, \$10,097,300,000.  
 (2) For missiles, \$814,700,000.

#### SEC. 104. DEFENSE AGENCIES.

(a) FISCAL YEAR 1990.—Funds are hereby authorized to be appropriated for procurement for fiscal year 1990 for the Defense Agencies in the amount of \$1,321,800,000.

(b) FISCAL YEAR 1991.—Funds are hereby authorized to be appropriated for procurement for fiscal year 1991 for the Defense Agencies in the amount of \$1,429,700,000.

#### SEC. 105. DEFENSE INSPECTOR GENERAL.

(a) FISCAL YEAR 1990.—Funds are hereby authorized to be appropriated for procurement for fiscal year 1990 for the Defense Inspector General in the amount of \$1,051,000.

(b) FISCAL YEAR 1991.—Funds are hereby authorized to be appropriated for procurement for fiscal year 1991 for the Defense Inspector General in the amount of \$1,041,000.

#### SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.

(a) FISCAL YEAR 1990.—Funds are hereby authorized to be appropriated for fiscal year 1990 for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747) in the amount of \$311,400,000.

(b) FISCAL YEAR 1991.—Funds are hereby authorized to be appropriated for fiscal year

1991 for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747) in the amount of \$317,700,000.

#### SEC. 107. EXTENSION OF AUTHORITY PROVIDED THE SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM.

(a) Effective on October 1, 1989, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 96 Stat. 1100) is amended—

(1) by striking out "fiscal years 1988 and 1989" both places it appears and inserting in lieu thereof "fiscal years 1990 and 1991"; and

(2) by inserting "and the Memorandum of Understanding for Operations and Support of the NATO Airborne Early Warning and Control Force, signed by the United States Ambassador to NATO and other follow-on support agreements for the NATO E-3A between the United States Government and the commander of the NATO E-3A Force" after "December 6, 1978" in subsection (a).

#### TITLE II—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

##### SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 1990.—Funds are hereby authorized to be appropriated for fiscal year 1990 for the use of the Armed Forces for research, development, test and evaluation, as follows:

(1) For the Army, \$5,648,839,000.  
 (2) For the Navy, \$9,590,546,000.  
 (3) For the Air Force, \$14,551,900,000.  
 (4) For the Defense Agencies, \$9,469,600,000, of which—

(i) \$309,300,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and

(ii) \$194,500,000 is authorized for the Director of Operational Test and Evaluation.

(b) FISCAL YEAR 1991.—Funds are hereby authorized to be appropriated for fiscal year 1991 for the use of the Armed Forces for research, development, test and evaluation, as follows:

(1) For the Army, \$6,027,700,000.  
 (2) For the Navy, \$9,251,127,000.  
 (3) For the Air Force, \$13,505,300,000.  
 (4) For the Defense Agencies, \$10,625,600,000, of which—

(i) \$434,700,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and

(ii) \$160,400,000 is authorized for the Director of Operational Test and Evaluation.

#### TITLE III—OPERATION AND MAINTENANCE

##### AUTHORIZATION OF APPROPRIATIONS

##### SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) FISCAL YEAR 1990.—Funds are hereby authorized to be appropriated for fiscal year 1990 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

For the Army, \$23,708,600,000.  
 For the Navy, \$25,954,600,000.  
 For the Marine Corps, \$1,716,300,000.  
 For the Air Force, \$22,812,200,000.  
 For the Defense Agencies, \$9,021,600,000.  
 For the Army Reserve, \$861,900,000.  
 For the Naval Reserve, \$980,000,000.

For the Marine Corps Reserve, \$77,400,000.

For the Air Force Reserve, \$1,004,600,000.

For the Army National Guard, \$1,870,200,000.

For the Air National Guard, \$2,041,200,000.

For the National Board for the Promotion of Rifle Practice, \$4,700,000.

For the Defense Inspector General, \$94,749,000.

For the Court of Military Appeals, \$4,000,000.

For the Environmental Restoration, Defense, \$517,800,000.

For the Goodwill Games, as provided in section 305 of the National Defense Authorization Act, Fiscal Year 1989, \$14,600,000.

For Humanitarian Assistance, \$13,000,000.

(b) FISCAL YEAR 1991.—Funds are hereby authorized to be appropriated for fiscal year 1991 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

For the Army, \$24,876,900,000.

For the Navy, \$27,287,800,000.

For the Marine Corps, \$1,775,500,000.

For the Air Force, \$23,545,100,000.

For the Defense Agencies, \$8,318,900,000.

For the Army Reserve, \$902,600,000.

For the Naval Reserve, \$1,017,000,000.

For the Marine Corps Reserve, \$79,400,000.

For the Air Force Reserve, \$1,041,300,000.

For the Army National Guard, \$1,896,300,000.

For the Air National Guard, \$2,160,700,000.

For the National Board for the Promotion of Rifle Practice, \$5,600,000.

For the Defense Inspector General, \$96,559,000.

For the Court of Military Appeals, \$4,200,000.

For the Environmental Restoration, Defense, \$519,900,000.

For Humanitarian Assistance, \$13,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

(a) FISCAL YEAR 1990.—Funds are hereby authorized to be appropriated for fiscal year 1990 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working-capital funds, in amounts as follows:

For the Army Stock Fund, \$107,600,000.

For the Navy Stock Fund, \$223,400,000.

For the Air Force Stock Fund, \$339,300,000.

For the Defense Stock Fund, \$104,100,000.

(b) FISCAL YEAR 1991.—Funds are hereby authorized to be appropriated for fiscal year 1991 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working-capital funds, in amounts as follows:

For the Army Stock Fund, \$141,500,000.

For the Navy Stock Fund, \$232,100,000.

For the Air Force Stock Fund, \$319,600,000.

For the Defense Stock Fund, \$156,300,000.

SEC. 303. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

(a) FISCAL YEAR 1990.—Funds are hereby authorized to be appropriated for fiscal year 1990 to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-256) in the amount of \$500,000,000.

(b) FISCAL YEAR 1991.—Funds are hereby authorized to be appropriated for fiscal year 1991 to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-256) in the amount of \$500,000,000.

TITLE IV—PERSONNEL AUTHORIZATIONS FOR FISCAL YEARS 1990 AND 1991

PART A—ACTIVE FORCES

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

(a) FISCAL YEAR 1990.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1990, as follows:

- (1) The Army, 764,400.
- (2) The Navy, 592,000.
- (3) The Marine Corps, 197,200.
- (4) The Air Force, 567,900.

(b) FISCAL YEAR 1991.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1991, as follows:

- (1) The Army, 764,100.
- (2) The Navy, 592,000.
- (3) The Marine Corps, 197,200.
- (4) The Air Force, 566,800.

PART B—RESERVE FORCES

SEC. 402. END STRENGTHS FOR SELECTED RESERVE.

(a) FISCAL YEAR 1990.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1990, as follows:

- (1) The Army National Guard of the United States, 458,000.
- (2) The Army Reserve, 321,700.
- (3) The Naval Reserve, 153,400.
- (4) The Marine Corps Reserve, 44,000.
- (5) The Air National Guard of the United States, 116,200.
- (6) The Air Force Reserve, 84,900.
- (7) The Coast Guard Reserve, 12,950.

(b) FISCAL YEAR 1991.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1991, as follows:

- (1) The Army National Guard of the United States, 458,000.
- (2) The Army Reserve, 323,100.
- (3) The Naval Reserve, 155,000.
- (4) The Marine Corps Reserve, 44,100.
- (5) The Air National Guard of the United States, 116,300.
- (6) The Air Force Reserve, 85,200.
- (7) The Coast Guard Reserve, 13,500.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) or (b) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

SEC. 403. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) FISCAL YEAR 1990.—Within the end strengths prescribed in section 402(a), the reserve components of the Armed Forces are authorized, as of September 30, 1990, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full time National Guard duty, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 26,164.
- (2) The Army Reserve, 13,680.
- (3) The Naval Reserve, 22,708.
- (4) The Marine Corps Reserve, 2,301.
- (5) The Air National Guard of the United States, 8,517.
- (6) The Air Force Reserve, 686.

(b) FISCAL YEAR 1991.—Within the end strengths prescribed in section 402(b), the reserve components of the Armed Forces are authorized, as of September 30, 1991, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 26,514.
- (2) The Army Reserve, 14,027.
- (3) The Naval Reserve, 23,565.
- (4) The Marine Corps Reserve, 2,401.
- (5) The Air National Guard of the United States, 8,468.
- (6) The Air Force Reserve, 700.

SEC. 404. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) SENIOR ENLISTED MEMBERS.

(1) FISCAL YEAR 1990.—Effective on October 1, 1989, the table in section 517(b) of title 10, United States Code, is amended to appear as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9.....	542	200	224	13
E-8.....	2,504	425	637	74"

(2) FISCAL YEAR 1991.—Effective on October 1, 1990, that table is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9.....	557	202	231	13
E-8.....	2,585	429	670	74"

(b) OFFICERS.

(1) FISCAL YEAR 1990.—Effective on October 1, 1989, the table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or lieutenant commander.....	3,030	1,065	575	110
Lieutenant colonel or commander.....	1,448	520	476	75
Colonel or Navy captain.....	351	188	190	25"

(2) FISCAL YEAR 1991.—Effective on October 1, 1990, that table is amended to read as follows:

Grade	Army	Navy	Air Force	Marine Corps
Major or lieutenant commander.....	3,219	1,071	575	110
Lieutenant colonel or commander.....	1,524	520	532	75
Colonel or Navy captain.....	364	188	194	25

#### PART C—MILITARY TRAINING STUDENT LOADS

##### SEC. 405. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) FISCAL YEAR 1990.—For fiscal year 1990, the components of the Armed Forces are authorized average military training student loads as follows:

- (1) The Army, 79,667.
- (2) The Navy, 67,224.
- (3) The Marine Corps, 21,656.
- (4) The Air Force, 39,575.
- (5) The Army National Guard of the United States, 19,168.
- (6) The Army Reserve, 15,377.
- (7) The Naval Reserve, 3,237.
- (8) The Marine Corps Reserve, 4,179.
- (9) The Air National Guard of the United States, 2,941.
- (10) The Air Force Reserve, 1,752.

(b) FISCAL YEAR 1991.—For fiscal year 1991, the components of the Armed Forces are authorized average military training student loads as follows:

- (1) The Army, 74,760.
- (2) The Navy, 66,517.
- (3) The Marine Corps, 22,235.
- (4) The Air Force, 37,757.
- (5) The Army National Guard of the United States, 18,667.
- (6) The Army reserve, 15,963.
- (7) The Naval Reserve, 3,259.
- (8) The Marine Corps Reserve, 4,178.
- (9) The Air National Guard of the United States, 2,939.
- (10) The Air Force Reserve, 1,774.

(c) ADJUSTMENTS.—The average military student loads authorized in subsections (a) and (b) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the manner in which such adjustment shall be apportioned.

#### TITLE V—GENERAL PROVISIONS

##### SEC. 501. REPEAL OF REQUIREMENT FOR SEPARATE BUDGET REQUEST FOR PROCUREMENT OF RESERVE EQUIPMENT.

Section 114(f) of title 10, United States Code, is repealed.

##### SEC. 502. REPEAL OF REQUIREMENT FOR AUTHORIZATION OF CIVILIAN PERSONNEL BY END STRENGTH.

Section 115(b)(2) of title 10, United States Code, is repealed.

##### SEC. 503. REPEAL OF PROHIBITION ON USE OF CERTAIN PERSONNEL MANAGEMENT CONSTRAINTS.

Section 129 of title 10, United States Code, is repealed.

##### SEC. 504. REPEAL OF PROCUREMENT REQUIREMENT AND LIMITATION OF FUNDS FOR THE HEAVY EXPANDED MOBILITY TACTICAL TRUCK.

Section 129 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1045) is repealed.

##### SEC. 505. REPEAL OF LIMITATION OF FUNDS FOR RANKINE ENGINE.

Section 205(a)(3) of the National Defense Authorization Act for fiscal Years 1988 and

1989 (Public Law 100-180; 101 Stat. 1047) is repealed.

##### SEC. 504. REPEAL OF LIMITATION ON THE USE OF OPERATION AND MAINTENANCE FUNDS TO PURCHASE INVESTMENTS.

Section 303 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1073) is repealed.

#### TITLE VI—NATIONAL DEFENSE STOCKPILE

SEC. 601. The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 *et seq.*) is amended—

(a) In section 6(a)(4), insert “or technological obsolescence” after “deterioration” and “or more suitable” after “same”.

(b) Strike paragraph (3) of section 6(b), insert “and” after the semicolon at the end of section 6(b)(1), and strike the semicolon and the immediately following “and” at the end of section 6(b)(2) and insert in lieu thereof a period.

(c) In section 5(b), strike “(1)” and the comma after “law” and all that follows thereafter and insert in lieu thereof a period.

SEC. 602. Effective with the date of enactment of this Act, and pursuant to Section 3(c)(4) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(c)(4)), the National Defense Stockpile Manager is authorized to effect the following changes in quantities of materials to be acquired for the National Defense Stockpile:

aluminum oxide, abrasive grain group, from 638,000 short tons (contained) to 374,000 short tons (contained);

antimony, from 36,000 short tons to 88,500 short tons;

asbestos, amosite, from 17,000 short tons to zero short tons;

bauxite, refractory, from 1,400,000 long calcined tons to 1,240,000 long calcined tons; bismuth, from 2,200,000 pounds to 1,060,000 pounds;

chromite, refractory grade ore, from 850,000 short dry tons to 695,000 short dry tons;

columbium group, from 4,850,000 pounds (contained) to 12,520,000 pounds (contained);

diamond, industrial, group, from 29,730,000 carats to 7,730,000 carats;

fluorspar, acid grade, from 1,400,000 short dry tons to 900,000 short dry tons;

fluorspar, metallurgical grade, from 1,700,000 short dry tons to 310,000 short dry tons;

germanium, from 146,000 kilograms to 78,000 kilograms;

graphite, natural, Malagasy, crystalline, from 20,000 short tons to 14,200 short tons;

graphite, natural, other than Ceylon & Malagasy, from 2,800 short tons to 1,930 short tons;

manganese, battery grade group, from 87,000 short dry tons to 50,000 short dry tons;

mica, muscovite block, stained and better, from 6,200,000 pounds to 2,500,000 pounds;

natural insulation fibers, from 1,500,000 pounds to zero pound;

platinum group metals, iridium, from 98,000 troy ounces to 86,000 troy ounces;

platinum group metals, palladium, from 3,000,000 troy ounces to 2,150,000 troy ounces;

quartz crystals, from 600,000 pounds to 240,000 pounds;

talc, steatite block and lump, from 28 short tons to zero short tons;

tungsten group, from 50,666,000 pounds (contained) to 70,900,000 pounds (contained).

SEC. 603. Effective on October 1, 1989, the President is authorized to dispose of the following quantities of materials currently held in the National Defense Stockpile established by section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b), to the extent such quantities have been determined to be excess to requirements for national defense:

34,000 short tons of asbestos, amosite;

255,400 pounds of bismuth;

8,000,000 carats of diamond, industrial, crushing bort;

15,000 short dry tons of fluorspar, metallurgical grade;

3,635 short tons of graphite, natural, Malagasy, crystalline;

873 short tons of graphite, natural, other than Ceylon and Malagasy;

15,000 flasks of mercury;

10,000 pounds of mica, muscovite block, stained and better;

690 short tons of silicon carbide;

15,000,000 troy ounces of silver;

28 short tons of talc, block and lump;

5,000 metric tons of tin.

This disposal authority is in addition to any other disposal authority previously provided in law.

SEC. 604. Effective with the date of enactment of this Act, and notwithstanding Section 5(a)(1) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(a)(1)), upon a Presidential determination that such action is required for purposes of national defense, the National Defense Stockpile Manager is authorized to obligate not to exceed \$500,000,000 from the National Defense Stockpile Transaction Fund to acquire, refine, or process strategic and critical materials needed to meet established requirements for the National Defense Stockpile on an accelerated basis in response to early warning of threats to the national defense, provided such obligations meet the requirement of prior notice to the Congress and provided in sections 11(b) and 5(a)(2) of the Strategic and Critical Materials Stock Piling Act.

GENERAL COUNSEL OF THE  
DEPARTMENT OF DEFENSE,  
Washington, DC, May 11, 1989.

HON. DAN QUAYLE,  
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is forwarded herewith legislation, “To authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel strengths for such Department for fiscal years 1990 and 1991, and for other purposes.”

This legislative proposal is part of the Department of Defense legislative program for the 101st Congress and is needed to carry out the President’s amended fiscal year 1990 budget plan. The Office of Management and Budget advises that there is no objection to the presentation of this proposal to the Congress and that its enactment would be in accord with the program of the President.

Title I provides procurement authorization for the Military Departments and for the Defense Agencies in amounts equal to the budget authority included in the President’s amended budget for fiscal years 1990 and 1991 and for multiyear procurement for fiscal years 1992 through 1994. It contains a provision that extends for those fiscal years

the authority to waive certain costs in connection with the NATO AWACS program and which amends the basic waiver authority statute, section 103 of the 1982 Authorization Act, by inserting a reference to the Memorandum of Understanding for Operations and Support of the NATO Airborne Early Warning and Control Force and other follow-on agreements for the NATO E-3A.

Title II provides for the authorization of each of the research, development, test, and evaluation appropriations for the Military Departments and the Defense Agencies in amounts equal to the budget authority included in the President's amendment budget for fiscal years 1990 and 1991.

Title III provides for authorization of the operation and maintenance appropriations of the Military Departments and the Defense Agencies in amounts equal to the budget authority included in the President's amended budget for fiscal years 1990 and 1991. Title III also includes the authorization of appropriations for the purpose of providing capital for working-capital funds of the Military Departments and the Defense Agencies in amounts equal to the budget authority included in the President's amended budget for fiscal years 1990 and 1991. Title III also includes the authorization of appropriations for the Department of Defense Base Closure Account for fiscal years 1990 and 1991.

Title IV prescribes the personnel strengths for the active forces and the selected Reserve of each reserve component of the Armed Forces in the numbers provided for by the budget authority and appropriations requested for the Department of Defense in the President's amended budget for fiscal years 1990 and 1991. This title also prescribes the end strengths for reserve component members on full-time active duty or full-time National Guard duty for the purpose of administering the reserve forces and provides for an increase in the number of certain enlisted and commissioned personnel who may be serving on active duty in support of the reserve components. Finally, title IV provides for the average military training student loads in the numbers provided for this purpose in the President's amended budget for fiscal years 1990 and 1991.

Title V consists of seven general provisions. Section 501 repeals the provisions of section 114(f) of title 10, United States Code, requiring a separate budget request for the procurement of Reserve equipment. Section 502 repeals the provisions of section 115(b)(2) of title 10, United States Code, requiring the authorization of an end strength for civilian personnel of the Department of Defense. Section 503 repeals the prohibition contained in section 129 of title 10, United States Code, on the administrative management of the Defense civilian workforce through certain personnel management constraints. Section 504 repeals the requirement contained in section 129 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 for the procurement of not less than 4,737 Heavy Expanded Mobility Tactical Trucks and the requirement that \$239,300,000 of the funds appropriated for other procurement for the Army for fiscal years 1988 and 1989 shall be available only for such trucks. Section 505 repeals the limitation contained in section 205(a)(3) of the 1988 and 1989 Authorization Act requiring that \$5,000,000 of the amounts appropriated for research and development shall be available only for the Rankine Engine.

Section 506 repeals section 303 of the 1988 and 1989 Authorization Act which provides

that operation and maintenance funds may not be used to purchase items costing more than \$5,000 in fiscal year 1989 if purchases of the items prior to fiscal year 1988 were chargeable to procurement appropriations. Section 507 repeals the requirement contained in section 601(b)(1)(B) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 for a 10 percent reduction not later than September 30, 1989, in the number of management headquarters and support activities and the requirement in section 601(b)(2)(B) of that Act for a 5 percent reduction in the number of non-headquarters management and support activities of the Department. Section 507 also repeals the permanent provisions of section 194 of title 10, United States Code, on the number of personnel who may be assigned to management and non-management headquarters support activities.

Title VI consists of four sections amending the Strategic and Critical Materials Stock Piling Act. Section 601 removes restrictions impeding the orderly disposal of excess materials in the stockpile. Section 602 authorizes changes in quantities of materials to be acquired for the stockpile and is needed to implement the recommendations of the Secretary of Defense in the Report to the Congress on Stockpile Requirements which was submitted to the Congress on April 12, 1989 pursuant to section 14 of the Stock Piling Act. Section 603 provides new authority to dispose of excess materials in the stockpile and is based on the recommendations of the Secretary of Defense on stockpile requirements and takes into account residual authority previously provided in law. Section 604 authorizes obligations to acquire, refine, or process needed stockpile materials on an accelerated basis and will allow the National Defense Stockpile Manager to respond in a timely manner to early warning of threats to the national defense.

Enactment of this legislation is of great importance to the Department of Defense and the Department urges its speedy and favorable consideration.

Sincerely,

ROBERT L. GILLIT,  
(For L. Niederlehner, Deputy).●

By Mr. D'AMATO:

S. 1086. A bill for the relief of Maurice G. Hardy; to the Committee on the Judiciary.

RELIEF OF MAURICE G. HARDY

● Mr. D'AMATO. Mr. President, I rise today to introduce a private bill for the relief of Maurice G. Hardy. Mr. Hardy is president and chief operating officer of the Pall Corp. which is the world leader in providing specialized hydraulic, lubricating, fuel, and air transmission filters for the most critical military/aerospace applications.

Maurice Hardy is a British citizen who was granted permanent residency in 1979 and has fulfilled all the requirements for naturalization except for the residency requirement. The development of the Pall Corp.'s substantial export business has required Mr. Hardy to spend the majority of his time outside the United States during the last several years. As a result, Mr. Hardy was physically present in the United States for a total of only 290 days in the years 1986 through 1988.

Therefore, he will require an additional 624 days of physical presence in the United States before he meets the requirement of section 316 of the Immigration and Nationality Act that a petitioner for naturalization have been physically present in the United States at least half of the time during the 5 years immediately preceding the filing of the petition.

Presently, Mr. Hardy's base of operations is in the United States. Mr. Hardy expects to spend a majority of his time in this country in the future, but the company's business will require that he travel abroad. Therefore, Mr. Hardy will not be eligible to file a petition for naturalization until some time in 1991.

Mr. Hardy and the Pall Corp. ran into trouble in September of 1987 when the company's secret security clearance was temporarily lifted and downgraded to secret-limited due to the fact that Mr. Hardy is not a U.S. citizen. At that time, however, Mr. Hardy held, and continues to hold, the highest security clearance status for which a noncitizen is eligible. In addition to this, the Defense Investigative Service notified the Pall Corp.'s customers of the new access limitations being placed on the company. As a result of these restrictions, the company's employees could not be freely consulted by members of the defense establishment. This restriction extended to attendance at briefings and symposia as well as transmittal of documents. But most damaging of all was the limitation of future contracts which would require the secret security access.

Last spring, I contacted the Defense Investigative Service on behalf of Mr. Hardy and the Pall Corp. to explain the situation and to seek any administrative remedies that might exist. After company representatives met with Defense officials, the company's secret clearance was restored. However, this decision was made contingent on Mr. Hardy's not becoming chief executive officer of the company until he became a U.S. citizen.

The problem at this point is that the current CEO, Mr. Abraham Krasnoff, is well past retirement age and that Mr. Hardy has been groomed by the board of directors to become the new CEO sometime in 1989.

The Pall Corp. has explained to me that Mr. Hardy is ideally suited to direct the company by a combination of educational background, proven business and financial ability, and a thorough knowledge of the company's business and technology. These qualifications are essential to becoming chief executive officer.

The chief executive officer of the Pall Corp. must have sufficient technical knowledge to understand the company's products and markets and to

participate in the making of important decisions regarding the development of new products. The company has experienced dramatic growth over the last 15 years due to a combination of an outstanding research and development program and sound business and financial decisions relating to product development, marketing, location and construction of manufacturing facilities, and long-range planning. In these areas, Mr. Hardy is uniquely qualified.

It is also important that I stress Mr. Hardy's longstanding intention to become a U.S. citizen. Since he was granted his green card in 1979, Mr. Hardy has sought to meet the requirements for naturalization and has met each one except the one requiring physical presence in the United States. His inability to remain in the United States for the required length of time is due to the nature of his position with the Pall Corp. and his expertise in developing the company's substantial export program.

The Pall Corp.'s success has resulted in its role as the major supplier of advanced technology filtration products to Europe and to the British military services. Pall has accomplished this by surpassing strong competitors in Japan, France, and West Germany. In addition, customers for Pall filters include most manufacturers of advanced aircraft and space vehicles such as Northrop, Grumman, Lockheed, Boeing, General Dynamics, and General Electric.

In conclusion, these major defense contractors, the agencies related to the Department of Defense, Pall Corp. employees and shareholders which number in the thousands, and the technological progress of the United States military all will benefit from Mr. Hardy's assuming the position of chief executive officer of the Pall Corp. The only way this can happen without the company losing its secret security clearance, is for Congress to pass this bill.

Passage of this legislation in no way jeopardizes our national security. In fact, our military capabilities can only be enhanced by allowing Pall to continue supplying our military with their first rate technology. ●

By Mr. BURNS:

S. 1087. A bill to amend the Disaster Assistance Act of 1988 to provide disaster assistance to orchard owners who have suffered losses as a result of freeze damage in 1989, and for other purposes: to the Committee on Agriculture, Nutrition, and Forestry.

ORCHARD DISASTER ASSISTANCE ACT OF 1989

Mr. BURNS. Mr. President, I rise today to introduce legislation along with the senior Senator from Montana. It is a measure to provide disaster relief to the orchard growers who lost their crop because of the bitter cold this last year in Montana. We set

all kinds of records this year for cold temperatures and bad weather—not only how cold it got but the longevity of it. The cherry crop in the Flathead Valley has been virtually wiped out, not just this year's crop, mind you, but the trees themselves have been killed. The loss to my State may exceed that of the 1935-36 season when only 260,000 pounds of cherries were produced and harvested in our State. In Montana, they figure they have lost about 160,000 trees this year. In addition to the cherry damage, we also had damage in apricots, peaches, apples, and nectarines.

I am today introducing this assistance bill to compensate for the crop loss this year, assistance in planting replacement trees, and eligibility for Small Business Administration disaster loans.

Mr. President, this loss will continue. Right now we have estimates that we can only replace about 55,000 trees a year. That means we are going to be 3 years getting other young trees into production. It takes anywhere from 5 to 8 years for those trees to reach maximum production. It is a very bad thing, and it will be with us for another 5 years. Therefore, we have to help those people try to get back some semblance of business.

Funding for this assistance will come from more than expected budget outlays for programmed crops within the Department of Agriculture budget.

I will also be working with the Governor of Montana. I have a communication from him, and I ask unanimous consent that the letter from Governor Stephens of Montana be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BURNS. We will be working on this legislation with the orchard operators in the Flathead Valley, and I hope that my colleagues will also support this legislation.

EXHIBIT 1

STATE OF MONTANA,  
OFFICE OF THE GOVERNOR,  
Helena, MT, May 25, 1989.

HON. CONRAD BURNS,  
U.S. Senate, Washington, DC.

DEAR SENATOR BURNS: As you are aware Montana's cherry industry is facing a disaster in wake of the severe orchard winter kill this past winter. The purpose of this letter is twofold. First, to update you on our activities to address cherry industry needs; second, to ask for your assistance in both addressing the disaster facing the cherry producers and resolving the crisis management situation they are now forced to face.

I have taken the following actions to meet the disaster needs of the cherry producers:

Mr. Everett Snortland, Director of my Department of Agriculture, will coordinate assistance actions for the State of Montana. Everett's expertise and past experience as Director of Montana's U.S.D.A., A.S.C.S. office will enable him to coordinate a com-

prehensive response through Disaster and Emergency Services, A.S.C.S., and the Small Business Administration.

The Department's field staff are currently working with producers to assess damage and provide up-to-date accurate analysis of winter freeze damage and producer needs.

Local disaster and emergency services personnel are working to provide staff support to the disaster committees in Ravalli, Lake, and Flathead Counties. I have asked them to work closely with the disaster committees and the County Commissioners of those counties to ensure a coordinated response to the problems we are facing and to advance the county disaster requests to my office as soon as possible.

One I receive the individual county disaster requests I will be asking Secretary of Agriculture Clayton Yeutter for a disaster declaration implementation of U.S.D.A. assistance programs. This, in turn, should trigger the SBA programs for nonagricultural interests that have been impacted by the crop loss.

I am requesting your direct assistance in obtaining help for the cherry producers. Your assistance in working with Secretary Yeutter for a positive and expedited response to our disaster declaration requests would be appreciated. I would also urge you to incorporate disaster assistance language for the cherry industry in the 1989 disaster legislation.

In the long run, I concur with the cherry producers that part of the solution may be working with the Federal Crop Insurance Program to include cherries. The cherry producer could then participate in the federal crop insurance program providing the same protection presently offered to the grain industry.

I appreciate your assistance and hope we can work together to provide assistance to our cherry industry. Please feel free to work with Everett as we coordinate our efforts in response to the cherry industry needs.

Sincerely,

STAN STEPHENS,  
Governor.

By Mr. EXON (for himself, Mr. FORD, Mr. STEVENS, and Mr. DODD):

S. 1088. A bill to amend title XIX of the Social Security Act to improve the provision and quality of services to individuals with mental retardation or related condition; to the Committee on Finance.

MEDICAID COMMUNITY AND FACILITY  
HABILITATION SERVICES AMENDMENTS

Mr. EXON. Mr. President, I am joined today by my colleagues, Mr. FORD, Mr. STEVENS, and Mr. DODD, in introducing legislation that will reform the Medicaid system with respect to payment for services for our developmentally disabled and mentally retarded citizens.

We are introducing a Senate companion measure to H.R. 854, the Medicaid Community and Facility Habilitation Services Amendments of 1989, as introduced in the House by Representatives FLORIO, WAXMAN, and DINGELL. I have had a great deal of involvement in this subject dating back to my terms as Governor and have

spoken with many, many individuals about it.

The battle of Medicaid reform has been raging for several years. It is a very emotional and divisive issue. I believe this legislation is a positive step toward compromise among the many differing points of view regarding Medicaid reform for the developmentally disabled and those with mental retardation. I strongly believe that we need to have services for these individuals all along the spectrum. For that reason, I have not and cannot support legislation already introduced that would freeze funding to institutions over 15 beds.

My home State of Nebraska has been somewhat of a leader in the development of community-based services. I am very proud of that achievement and would do nothing to hurt that development. I understand the need for such services. But Mr. President, I also understand and support the need for services provided in our larger institutions. I will not stand idly by and let those persons residing in institutions be denied services either.

By introducing a companion measure to H.R. 854, we are attempting to be a positive force in this area, not a negative one. I do not oppose Medicaid funding for community-based services. I do oppose channeling the bulk of funding to community-based services at the expense of large facilities. The legislation we are introducing will allow money to go to both types of services. I do not see this as trying to thwart the goals of any particular group or organization, nor do I feel it will be overly protective of any specific point of view.

Under current law, the Medicaid funding for mentally retarded and developmentally disabled individuals goes primarily to large institutions. States cannot use their Medicaid funds for community-based services unless they have secured the requisite waiver from the Department of Health and Human Services. The bill we are introducing will allow States, at their option, to cover under the auspices of the Medicaid program services provided through community facilities as well as continued coverage of services provided in institutions.

Our bill also retains the important provisions of H.R. 854 relating to quality assurance for services provided in institutions and community-based facilities, appropriate placement for individuals with mental retardation and related conditions, as well as protection for employees of facilities that may close or downsize.

Under this bill, Federal Medicaid matching funds would be available for community services at the State's regular matching rate. Unlike the waiver, which is retained under this bill, States would not have to demonstrate budget neutrality or limit the number

of individuals participating. Individuals would not have to demonstrate that they are at risk of institutionalization in order to qualify for coverage. Also, benefits provided under this provision would have to be made available on a statewide basis.

This bill does not change the current Medicaid eligibility requirements. It would not broaden the category of "individuals with mental retardation or related conditions," and it would not alter the current income and resource standards and methodologies that apply in determining eligibility for care either inside or outside an institution. This bill also in no way abrogates the right of Medicaid clients to freedom of choice with respect to the providers from whom they can receive services.

This bill provides States with the flexibility to design a community-based system of care that meets the needs of the mentally retarded population of that State, that takes into account the State's funding capabilities, and allows the State to implement a program based on its philosophy regarding the provision of services to the mentally retarded.

Mr. President, I ask unanimous consent that following my remarks a copy of the bill be printed in the RECORD as well as several editorials from the Omaha World-Herald.

As I have stated before, I strongly support this measure as a workable compromise to a difficult problem. I urge my colleagues to support this legislation.

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

S. 1088

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicaid Community and Facility Habilitation Services Amendments of 1989".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—COMMUNITY HABILITATION AND SUPPORTIVE SERVICES

Sec. 101. Community habilitation and supportive services as optional, statewide, service.

Sec. 102. Quality assurance for community habilitation and supportive services.

Sec. 103. Eliminating prior institutionalization requirement under waiver authority.

Sec. 104. Annual report.

TITLE II—QUALITY ASSURANCE FOR HABILITATION FACILITY SERVICES

Sec. 201. Requirements for habilitation facilities.

Sec. 202. Survey and certification process.

Sec. 203. Enforcement process.

Sec. 204. Effective dates.

Sec. 205. Annual report.

TITLE III—APPROPRIATE PLACEMENT FOR INDIVIDUALS WITH MENTAL RETARDATION OR RELATED CONDITION

Sec. 301. State preadmission screening and annual client review requirements.

Sec. 302. Revision of utilization review provisions.

TITLE IV—PAYMENT FOR COMMUNITY HABILITATION SERVICES AND HABILITATION FACILITY SERVICES

Sec. 401. Payment for community habilitation services.

TITLE V—EMPLOYEE PROTECTIONS AND MISCELLANEOUS

Sec. 501. Employee protections for closure and reductions in capacity.

Sec. 502. Use of State developmental disabilities agency in certain Medicaid administrative functions.

TITLE I—COMMUNITY HABILITATION AND SUPPORTIVE SERVICES

SEC. 101. COMMUNITY HABILITATION AND SUPPORTIVE SERVICES AS OPTIONAL, STATEWIDE, SERVICE.

(a) PROVISION AS OPTIONAL, STATEWIDE SERVICE.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) by striking "and" at the end of paragraph (20),

(2) by redesignating paragraph (21) as paragraph (22), and

(3) by inserting after paragraph (20) the following new paragraph:

"(21) community habilitation and supportive services (as defined in section 1926(a)) for individuals with mental retardation or related conditions (as defined in subsection (m)) without regard to whether or not individuals who receive such services have been discharged from a nursing facility or habilitation facility; and"

(b) DEFINITION OF COMMUNITY HABILITATION AND SUPPORTIVE SERVICES.—Title XIX of such Act, as amended by section 303(a) of the Family Support Act of 1988 (Public Law 100-485), is amended—

(1) by redesignating section 1926 as section 1928, and

(2) by inserting after section 1925 the following new section:

"COMMUNITY HABILITATION AND SUPPORTIVE SERVICES

"SEC. 1926. (a) COMMUNITY HABILITATION AND SUPPORTIVE SERVICES DEFINED.—In this title, the term 'community habilitation and supportive services'—

"(1) means services designed—

"(A) to assist individuals in acquiring, retaining, and improving self-help, socialization, and adaptive skills necessary to function successfully in a home or community-based setting,

"(B) to assist individuals in participating in community or other activities; and

"(2) includes (except as provided in paragraph (3)) such prevocational, education, supported employment, and other supportive services, including transportation, functional assistive technologies and devices, and respite care services, as the State determines to be necessary and effective in promoting the individual's capability to engage in major life activities with other individuals, including employment and participation in community activities; but

"(3) does not include—

"(A) special education and related services (as defined in section 602 (16) and (17) of the Education of the Handicapped Act (20

U.S.C. 1401 (16), (17) which otherwise are available to the individual through a local educational agency, and

"(B) vocational rehabilitation services which otherwise are available to the individual through a program funded under section 110 of the Rehabilitation Act of 1973 (29 U.S.C. 730);

"(4) does not include room and board, consisting of nonpersonnel costs directly attributable to—

"(A) the purchase of food on behalf of clients,

"(B) the cost of property,

"(C) the purchase of household supplies not otherwise employed in the provision of covered services,

"(D) utility expenses, and

"(E) costs of facility maintenance, upkeep, and improvement, other than such costs for modifications or adaptations to a facility required to assure the health and safety of residents or to meet the requirements of the applicable life safety code, and

"(5) does not include payments made, directly or indirectly, to members of the family of the individual receiving such services."

(C) **INDIVIDUAL WITH MENTAL RETARDATION OR RELATED CONDITION DEFINED.**—Section 1905 of such Act (42 U.S.C. 1396d) is amended by inserting after subsection (1) the following new subsection:

"(m) The term 'individual with mental retardation or related condition' means an individual with mental retardation or an individual who has a severe, chronic disability that—

"(1) is attributable—

"(A) to cerebral palsy or epilepsy,

"(B) to any other condition, other than mental illness, found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons, and requires treatment or services similar to those required for these persons;

"(2) is manifested before the person reaches age 22;

"(3) is likely to continue indefinitely; and

"(4) results in substantial functional limitations in 3 or more of the following areas of major life activity: self-care, understanding and use of language, learning, mobility, self-direction, and capacity for independent living."

(d) **CONFORMING AMENDMENTS.**—

(1) Section 1905(d) of such Act (42 U.S.C. 1396d(d)) is amended—

(A) by striking "the mentally retarded or persons with related conditions" and inserting "individuals with mental retardation or related condition";

(B) by striking "mentally retarded individuals" in paragraph (1) and inserting "individuals with mental retardation"; and

(C) by striking "the mentally retarded individual" in paragraph (2) and inserting "the individual with mental retardation or related condition".

(2) Section 1915(c) of such Act (42 U.S.C. 1395n) is amended—

(A) in paragraph (4)(B), by striking "habilitation" and inserting "community habilitation and supportive"; and

(B) by striking paragraph (5).

(3) Section 1919(e)(7)(G)(ii) of such Act (42 U.S.C. 1396r(e)(7)(G)(ii)) is amended by striking "mentally retarded or a person with a related condition (as described in section 1905(d))" and inserting "an individual with mental retardation or related condition".

(4) Section 1902(j) of such Act (42 U.S.C. 1396a(j)) is amended by striking "(21)" and inserting "(22)".

(5) Section 1902(a)(10)(C)(iv) of such Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by striking "through (20)" and inserting "through (21)".

(f) **EFFECTIVE DATE.**—The amendments made by this section apply to services furnished on or after January 1, 1990, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(g) **NO ABRIGATION OF FREEDOM OF CHOICE.**—Nothing in this section shall be construed as abrogating the right of medicare clients to freedom of choice, under section 1902(a)(23) of the Social Security Act, with respect to the providers from whom they can receive covered services.

**SEC. 102. QUALITY ASSURANCE FOR COMMUNITY HABILITATION AND SUPPORTIVE SERVICES.**

Section 1926 of the Social Security Act, as inserted by section 101(a) of this Act, is amended by adding at the end the following new subsections:

"(b) **INDEPENDENCE, PRODUCTIVITY, AND INTEGRATION.**—The objectives of community habilitation and supportive services are to expand opportunities for independence, productivity, and integration into the community for individuals with mental retardation and related conditions.

"(c) **INDIVIDUAL SERVICE PLANS.**—

"(1) **REQUIREMENT.**—Community habilitation and supportive services must be provided in accordance with an individual service plan (in this section referred to as an 'ISP') which states specific objectives necessary to meet some or all of the client's needs, as identified in the comprehensive functional assessment conducted under subsection (d). In addition, the ISP shall include a description of the medical care service needs of the client, as identified by the client's physician. Nothing in this paragraph shall be construed as requiring a State to make available medical assistance under this title for all types or elements of community habilitation and supportive services. If a State provides such medical assistance for some or all such types or elements and an ISP identifies such types or elements with respect to a client, the medical assistance shall be made available under this title for those types and elements for that client under the ISP.

"(2) **PREPARATION.**—Each ISP for a client shall be prepared, before the date community habilitation and supportive services are first provided to the client under this title, by an appropriate interdisciplinary team and shall be periodically reviewed and revised by such a team after each assessment under subsection (d).

"(3) **REQUIRED PARTICIPATION IN DEVELOPMENT OF ISP.**—In developing an ISP for a client, the team shall notify, and provide for and encourage the participation of, the client, the client's parents (if the client is a minor), and the client's legal guardian (if any).

"(4) **PERMISSIVE PARTICIPATION OF PARENTS OF ADULT CLIENTS.**—A parent (if the client is not a minor) who is not a legal guardian of the client may participate in developing the ISP unless the client has objected to the parent's participation.

"(5) **AVAILABILITY.**—A copy of each ISP must, consistent with the client's right to confidentiality described in section 1927(c)(1)(A)(iv), be made accessible to all relevant providers, including other providers who work with the client, and to the client's parents and legal guardian (if any).

"(d) **COMPREHENSIVE FUNCTIONAL ASSESSMENT.**—

"(1) **REQUIREMENT.**—The State must provide that each individual who receives community habilitation and supportive services under the State plan under this title must have had a comprehensive functional assessment and must have such an assessment periodically reviewed. Such an assessment and review must be conducted by an interdisciplinary team. Such an assessment and review must identify each client's developmental and behavioral management needs.

"(2) **FREQUENCY.**—

"(A) **ASSESSMENTS.**—Such an assessment must be conducted before the receipt of community habilitation and supportive services under this title.

"(B) **REVIEWS.**—A review of each such assessment shall be performed in no case less often than once every 12 months.

"(3) **USE.**—The results of such an assessment or review shall be used in developing, reviewing, and revising the client's ISP under subsection (c).

"(e) **MINIMUM REQUIREMENTS FOR SERVICES.**—Community habilitation and supportive services provided under this title must meet such requirements for clients' rights and quality, consistent with the objectives described in subsection (b), as are published or developed by the Secretary under subsection (i). Such requirements shall include—

"(1) minimum qualifications for personnel providing such services,

"(2) guidelines for such minimum compensation for personnel as will assure the availability and continuity of qualified personnel to provide such services for clients of various levels of impairment, and

"(3) a specification of clients' rights, including the rights described in clauses (i) through (iv), (vi), (vii), and (xi) of section 1927(c)(1)(A).

"(f) **MINIMUM REQUIREMENTS FOR RESIDENTIAL SETTINGS.**—

"(1) **CLIENTS' RIGHTS AND ADMINISTRATION.**—A residential setting in which one or more community habilitation or supportive services are provided must meet the requirements of—

"(A) section 1927(c)(1) (relating to clients' rights), and

"(B) section 1927(d) (relating to administration and other matters).

In the same manner as such requirements apply to habilitation facilities under such section; except that, in applying the requirement of section 1927(d)(2) (relating to life safety code), the Secretary shall provide for the application of such life safety requirements (if any) that are appropriate to the residential setting.

"(2) **DISCLOSURE OF OWNERSHIP AND CONTROL INTERESTS AND EXCLUSION OF REPEATED VIOLATORS.**—A residential setting—

"(A) must disclose persons with an ownership or control interest (including such persons as defined in section 1124(a)(3)) in the setting, and

"(B) may not have, as a person with an ownership or control interest in the setting, any individual or person who has been excluded from participation in the program under this title or who has had such an ownership or control interest in one or more residential settings which have been found repeatedly to have provided care of substandard quality in the setting.

"(3) **CONTINUATION OF ACTIVE TREATMENT FOR CERTAIN CLIENTS UPON CONVERSION FROM A HABILITATION FACILITY.**—If part or all of a facility converts from an habilitation facility to a residential setting, each client who

was a resident of the portion of the facility so converted at the time of the conversion and who, under the client's individual program plan at such time, required continuous active treatment (as defined in section 1927(b)(2)(A)), the residential setting must continue to provide for (or arrange for the provision of) continuous active treatment (as so defined) so long as such client resides in the setting and continues to require such active treatment. Nothing in section 1902(a)(10)(B) shall be construed as requiring medical assistance made available under the previous sentence to be made available to individuals not described in such sentence.

"(4) DOCUMENTATION OF RECEIPT OF MEDICAL CARE SERVICES.—A residential setting must include, in the clinical records of each client, documentation of the provision of medical care services to the client. Nothing in this paragraph shall be construed as requiring a State to make available medical assistance under this title for all types or elements of medicare care services for such clients.

"(g) SURVEY AND CERTIFICATION PROCESS.—

"(1) RESPONSIBILITIES OF THE STATE.—

"(A) IN GENERAL.—Subject to paragraph (2), under each State plan under this title, the State shall be responsible for certifying the compliance of providers of community habilitation and supportive services, and of residential settings in which such services are provided, with the requirements of subsections (e) and (f).

"(B) EDUCATIONAL PROGRAM.—Each State shall conduct periodic educational programs for the staff and clients in residential settings in which community habilitation and supportive services are provided, and the parents (if the client is a minor) and legal guardians (if any) of such clients, in order to present current regulations, procedures, and policies under this section.

"(C) INVESTIGATION OF ALLEGATIONS OF CLIENT NEGLECT AND ABUSE AND MISAPPROPRIATION OF CLIENT PROPERTY.—The State shall provide, through the agency responsible for surveys and certification of providers of community habilitation and supportive services and residential settings under this subsection, for a process for the receipt, review, and investigation of allegations of client neglect and abuse (including injuries of unknown source) by personnel providing such services and of misappropriation of client property by such personnel. Such process shall provide for documentation of findings relating to such allegations with respect to an individual, for inclusion of any brief statement of the individual disputing such findings, and for inclusion, in any disclosure of such findings, of such brief statement (or of a clear and accurate summary thereof). The findings relating to such allegations shall be made available, on request, to the State protection and advocacy system established under part C of the Developmental Disabilities Assistance and Bill of Rights Act and to other appropriate agency or agencies with whom a client, parent, or guardian may file a complaint respecting client abuse and neglect and misappropriation of client property.

"(D) CONSTRUCTION.—The failure of the Secretary to issue regulations to carry out this subsection shall not relieve a State of its responsibility under this subsection.

"(2) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall be responsible for certifying the compliance of State providers of community habilitation and supportive services, and of State residential settings in

which such services are provided, with the requirements of subsections (e) and (f).

"(3) FREQUENCY OF CERTIFICATIONS.—Certification of providers and settings under this subsection shall occur no less frequently than once every 12 months.

"(4) SURVEYS AND REVIEWS.—

"(A) SURVEYS OF RESIDENTIAL SETTINGS.—The certification under this subsection with respect to a setting must be based on a survey. Such survey for a residential setting must be conducted without prior notice to the setting. Any individual who notifies (or causes to be notified) a residential setting of the time or date on which such a survey is scheduled to be conducted is subject to a civil money penalty of not to exceed \$2,000. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). The Secretary shall review each State's procedures for scheduling and conduct such surveys to assure that the State has taken all reasonable steps to avoid giving notice of such a survey through the scheduling procedures and the conduct of the surveys themselves.

"(B) SURVEY PROTOCOL.—Surveys under this paragraph shall be conducted upon a protocol which the Secretary has provided for under subsection (i).

"(C) PROHIBITION OF CONFLICT OF INTEREST IN SURVEY TEAM MEMBERSHIP.—A State and the Secretary may not use as a member of a survey team under this paragraph an individual who is serving (or has served within the previous 2 years) as a member of the staff of, or as a consultant to, the provider or residential setting being surveyed (or the person responsible for such setting) respecting compliance with the requirements of subsections (e) and (f) or who has a personal or familial financial interest in the provider or setting being surveyed.

"(D) TRAINING REQUIRED.—No individual shall serve on or after January 1, 1992, as a member of a survey team under this paragraph or paragraph (5) unless the individual has successfully completed a training and testing program in survey and certification techniques that has been approved by the Secretary under subsection (i)(3).

"(E) REVIEWS OF PROVIDERS.—The certification under this subsection with respect to a provider (other than with respect to a residential setting) must be based on a periodic review of the provider's performance.

"(5) VALIDATION SURVEYS AND REVIEWS.—

"(A) IN GENERAL.—The Secretary shall conduct onsite surveys of a representative sample of residential settings in each State, within 2 months of the date of surveys conducted under paragraph (4) by the State, in a sufficient number to allow inferences about the adequacies of each State's surveys conducted under paragraph (4). In conducting such surveys, the Secretary shall use the same survey protocols as the State is required to use under paragraph (4). If the State has determined that an individual setting meets the requirements of subsection (e) and (f), but the Secretary determines that the setting does not meet such requirements, the Secretary's determination as to the setting's noncompliance with such requirements is binding and supersedes that of the State survey.

"(B) SPECIAL SURVEYS AND REVIEWS OF COMPLIANCE.—Where the Secretary has reason to question the compliance of a provider or setting with any of the requirements of subsections (e) and (f), the Secretary may con-

duct a survey of the setting or a review of the provider and, on the basis of that survey or review, make independent and binding determinations concerning the extent to which the setting or provider meets such requirements.

"(6) INVESTIGATION OF COMPLAINTS AND MONITORING HABILITATION FACILITY COMPLIANCE.—Each State and the Secretary shall maintain procedures and adequate staff to investigate complaints of violations of requirements by providers of community habilitation and supportive services or by residential settings in which such services are provided.

"(7) DISCLOSURE OF RESULTS OF INSPECTIONS AND ACTIVITIES.—

"(A) PUBLIC INFORMATION.—Each State, and the Secretary, shall make available to the public—

"(i) information respecting all surveys, reviews, and certifications made under this subsection respecting providers and settings, including statements of deficiencies and plans of correction,

"(ii) copies of cost reports (if any) of such providers and settings filed under this title,

"(iii) copies of statements of ownership under section 1124, and

"(iv) information disclosed under section 1126.

"(B) NOTICE TO PROTECTION AND ADVOCACY SYSTEM.—Each State shall notify the agency responsible for the protection and advocacy system for developmentally disabled individuals established under part C of the Developmental Disabilities Assistance and Bill of Rights Act of the State's findings of non-compliance with any of the requirements of subsections (e) and (f) with respect to a provider or setting in the State.

"(C) NOTICE TO FAMILY.—If a State finds that a provider or setting has provided services of substandard quality, the State shall notify the parent (if the client is a minor), or legal guardian (if any) of each client with respect to which such finding is made.

"(D) ACCESS TO FRAUD CONTROL UNITS.—Each State shall provide its State Medicaid fraud and abuse control unit (established under section 1903(q)) with access to all information of the State agency responsible for surveys, reviews, and certifications under this subsection.

"(h) ENFORCEMENT PROCESS.—

"(1) IN GENERAL.—If a State finds, on the basis of a survey or review under subsection (f)(2) or otherwise, that a provider of community habilitation and supportive services or a residential setting in which such services are provided no longer meets the requirements of this section, and further finds that the provider's or setting's deficiencies—

"(A) immediately jeopardize the health or safety of its clients, the State shall take immediate action to remove the jeopardy and correct the deficiencies through the remedy specified in paragraph (2)(A)(iii), or terminate the provider's or setting's participation under the State plan and may provide, in addition, for one or more of the other remedies described in paragraph (2); or

"(B) do not immediately jeopardize the health or safety of its clients, the State may—

"(i) terminate the provider's or setting's participation under the State plan,

"(ii) provide for one or more of the remedies described in paragraph (2), or

"(iii) do both;

but in any case in which the Secretary has not provided for a civil money penalty under paragraph (3)(C)(i), the State shall

provide for a civil money penalty under paragraph (2)(A)(i) for each day in which the State finds that the provider or setting was not in compliance with such requirements. Nothing in this paragraph shall be construed as restricting the remedies available to a State to remedy a provider's or setting's deficiencies. If the State finds that a provider or setting meets such requirements but, as of a previous period, did not meet such requirements, the State shall provide for a civil money penalty under subparagraph (C)(ii) for the days on which it finds that the provider or setting was not in compliance with such requirements.

**"(2) SPECIFIED REMEDIES.—**

**"(A) LISTING.—**Except as provided in subparagraph (B)(ii), each State shall establish by law (whether statute or regulation) at least the following remedies:

**"(i) Denial of payment under the State plan with respect to any individual admitted to a residential setting involved after such notice to the public and to the setting as may be provided for by the State.**

**"(ii) A civil money penalty assessed and collected, with interest, for each day in which the provider or setting is or was out of compliance with a requirement of this section. Funds collected by a State as a result of imposition of such a penalty (or as a result of the imposition by the State of a civil money penalty for activities described in subsection (g)(4)(A)) shall be applied to the protection of the health or property of clients of providers of community habilitation and supportive services that the State or the Secretary finds deficient, including payment for the costs of relocation of clients, maintenance of operation of a provider pending correction of deficiencies or closure, and reimbursement of clients for personal funds lost.**

**"(iii) The appointment of temporary management to oversee the operation of a residential setting and to assure the health and safety of the setting's clients, where there is a need for temporary management while—**

**"(I) there is an orderly closure of the setting, or**

**"(II) improvements are made in order to bring the setting into compliance with all the requirements of this section.**

The temporary management under this clause shall not be terminated under subclause (II) until the State has determined that the setting has the management capability to ensure continued compliance with all the requirements of this section.

**"(iv) The authority, in the case of an emergency, to close a residential setting, to transfer clients in that setting to other settings, or both.**

The State also shall specify criteria, as to when and how each of such remedies is to be applied, the amounts of any fines, and the severity of each of these remedies, to be used in the imposition of such remedies. Such criteria shall be designed so as to minimize the time between the identification of violations and final imposition of the remedies and shall provide for the imposition of incrementally more severe fines for repeated or uncorrected deficiencies. In addition, the State may provide for other specified remedies. No facility (public or private) providing Medicaid services for mentally retarded clients shall be subject to reduction or closure plans, other than for confirmed violations of approved standards, without prior review of such plans in a public hearing, conducted at least 6 months in advance of the submission of such plans, wherein full opportunity has been provided for staff,

clients, parents, guardians, duly authorized representatives, and members of the public to express their views.

**"(B) CLOSURE.—**In the event that closure of a facility is determined, the State should provide advance notice of the proposed closure (90 days) to the staff, residents, their guardians, families, and duly authorized representatives. The State should assure that all residents being transferred are, in fact, being transferred or moved to a facility that is able to provide the required services and care. The facility should not be closed until all residents have been properly and satisfactorily located.

**"(C) TRANSFER.—**A facility may not transfer or discharge a client following prescribed procedures including advance notice to parents, guardians, or duly authorized representatives, until satisfactory arrangements have been made with the receiving facility and assurances have been obtained to the effect that the receiving facility is fully capable of providing the required care and services. In the event that the facility to which the client is transferred is unable to provide the required care and services, the client is to be returned to the transferring facility and retained at such facility until a satisfactory transfer is arranged.

**"(D) DEADLINE AND GUIDANCE.—**As a condition for approval of a State plan for calendar quarters beginning on or after January 1, 1990, each State shall establish the remedies described in clauses (i) through (iv) of subparagraph (A) by not later than January 1, 1990. The Secretary shall provide, through regulations or otherwise by not later than July 1, 1989, guidance to States in establishing such remedies; but the failure of the Secretary to provide such guidance shall not relieve a State of the responsibility for establishing such remedies.

**"(E) ASSURING PROMPT COMPLIANCE.—**If a residential setting has not complied with any of the requirements of this section within 3 months after the date the setting is found to be out of compliance with such requirements, the State shall impose the remedy described in subparagraph (A)(i) for all individuals who are admitted to the setting after such date.

**"(F) FUNDING.—**The reasonable expenditures of a State to provide for temporary management and other expenses associated with implementing the remedies described in clauses (iii) and (iv) of subparagraph (A) shall be considered, for purposes of section 1903(a)(7), to be necessary for the proper and efficient administration of the State plan.

**"(3) SECRETARIAL AUTHORITY.—**

**"(A) FOR STATE PROVIDERS AND SETTINGS.—**With respect to a State provider of community habilitation and supportive services and a State residential setting in which such services are provided, the Secretary shall have the authority and duties of a State under this subsection, including the authority to impose remedy described in clauses (i) and (ii) of paragraph (2)(A), except that the remedy described in subparagraph (C)(i) shall be substituted for the remedy described in paragraph (2)(A)(ii).

**"(B) OTHER PROVIDERS AND SETTINGS.—**With respect to any other provider of community habilitation and supportive services and any other residential setting in which such services are provided in a State, if the Secretary finds that a provider or setting no longer meets a requirement of this section and further finds that the provider's or setting's deficiencies—

**"(i) immediately jeopardize the health or safety of its clients, the Secretary shall take**

immediate action to remove the jeopardy and correct the deficiencies through the remedy specified in subparagraph (C)(ii), or terminate the provider's or setting's participation under the State plan and may provide, in addition, for one or more of the other remedies described in subparagraph (C); or

**"(ii) do not immediately jeopardize the health or safety of its clients, the Secretary may impose any of the remedies described in subparagraph (C);**

but in any case the Secretary shall provide for a civil money penalty under paragraph (2)(A)(i) for each day in which the Secretary finds that the provider or setting was not in compliance with such requirements. Nothing in this subparagraph shall be construed as restricting the remedies available to the Secretary to remedy a provider's or setting's deficiencies. If the Secretary finds that a provider or setting meets such requirements but, as of a previous period, did not meet such requirements, the Secretary shall provide for a civil money penalty under subparagraph (C)(i) for the days on which he finds that the provider or setting was not in compliance with such requirements.

**"(C) SPECIFIED REMEDIES.—**If the Secretary finds that a provider or setting has not met an applicable requirement:

**"(i) AUTHORITY WITH RESPECT TO CIVIL MONEY PENALTIES.—**The Secretary shall impose a civil money penalty in an amount not to exceed \$10,000 for each day of non-compliance. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

**"(ii) APPOINTMENT OF TEMPORARY MANAGEMENT.—**In consultation with the State, the Secretary may appoint temporary management to oversee the operation of a residential setting and to assure the health and safety of the setting's clients, where there is a need for temporary management while—

**"(I) there is an orderly closure of the setting, or**

**"(II) improvements are made in order to bring the setting into compliance with all the requirements of this section.**

The temporary management under this clause shall not be terminated under subclause (II) until the Secretary has determined that the setting has the management capability to ensure continued compliance with all the requirements of this section. The Secretary shall specify criteria, as to when and how each of such remedies is to be applied, the amounts of any fines, and the severity of each of these remedies, to be used in the imposition of such remedies. Such criteria shall be designed so as to minimize the time between the identification of violations and final imposition of the remedies and shall provide for the imposition of incrementally more severe fines for repeated or uncorrected deficiencies.

**"(4) EFFECTIVE PERIOD OF DENIAL OF PAYMENT.—**A finding to deny payment under this subsection shall terminate when the State or Secretary (or both, as the case may be) finds that the provider or setting is in compliance with all the requirements of this section.

**"(i) SECRETARIAL RESPONSIBILITIES.—**

**"(1) PUBLICATION OF INTERIM REQUIREMENTS.—**

**"(A) IN GENERAL.—**The Secretary shall publish, by January 1, 1990, an interim reg-

ulation that sets forth interim requirements, consistent with subparagraph (B), for the provision of community habilitation and supportive services, including—

“(i) the requirements of subsection (b) (relating to objectives), of subsection (c) (relating to ISP's), of subsection (d) (relating to comprehensive functional assessments), and of subsection (f) (relating to residential settings), and

“(ii) survey protocols (for use under subsection (g)) which relate to such requirements.

“(B) MINIMUM PROTECTIONS.—Interim requirements under subparagraph (A) and final requirements under paragraph (2) shall assure, through methods other than reliance on State licensure processes, that—

“(i) individuals receiving community habilitation and supportive services are protected from neglect, physical and sexual abuse, and financial exploitation;

“(ii) individuals or entities delivering such services are not unjustly enriched as a result of abusive financial arrangements (such as owner lease-backs); and

“(iii) individuals or entities delivering such services to clients, or relatives of such individuals, are prohibited from being named beneficiaries of life insurance policies purchased by (or on behalf of) such clients.

“(2) DEVELOPMENT OF FINAL REQUIREMENTS.—The Secretary shall develop, by not later than October 1, 1991—

“(A) final requirements, consistent with paragraph (1)(B), respecting the provision of appropriate, quality community habilitation and supportive services under this title, and including at least the requirements referred to in paragraph (1)(A)(i), and

“(B) survey protocols and methods for evaluating and assuring the quality of such services.

The Secretary may, from time to time, revise such requirements, protocols, and methods.

“(3) APPROVAL OF TRAINING PROGRAMS.—The Secretary shall provide, by not later than October 1, 1990, for the approval of comprehensive training programs of State and Federal surveyors in the conduct of surveys under paragraphs (4) and (5) of subsection (g).

“(4) NO DELEGATION TO STATES.—The Secretary's authority under this subsection shall not be delegated to States.

“(5) NO PREVENTION OF MORE STRINGENT REQUIREMENTS BY STATES.—Nothing in this section shall be construed as preventing States from imposing requirements that are more stringent than the requirements published or developed by the Secretary under this subsection.

“(j) DENIAL OF PAYMENT FOR SUBSTANDARD SERVICES.—In order for payments to be made to a State under section 1903(a) for community habilitation and supportive services furnished on and after January 1, 1992, including such services furnished under section 1915(c) or 1905(a)(21)—

“(1) the State must apply the protocols and methods developed under subsection (i)(2) to such services, and

“(2) the State must provide that payment will not be made for such services if such protocols and methods indicate that such services are substandard.

“(k) NONDUPLICATION OF PAYMENTS.—Payments made to a habilitation facility for providing community habilitation or supportive services shall not include payment for any services for which payment is otherwise made under this title to such facility.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to community habilitation and supportive services furnished on or after January 1, 1990.

(c) WAIVER OF PAPERWORK REDUCTION, ETC.—Chapter 35 of title 44, United States Code, and Executive Order 12291 shall not apply to information and regulations required for purposes of carrying out this title and implementing the amendments made by this title.

SEC. 103. ELIMINATING PRIOR INSTITUTIONALIZATION REQUIREMENT UNDER WAIVER AUTHORITY.

(a) IN GENERAL.—Section 1915(c)(5) of the Social Security Act (42 U.S.C. 1396n(c)(5)) is amended by striking “, with respect to” and all that follows through “retarded”.

(b) STATEMENT OF PURPOSE.—The purpose of this section is to provide that all mentally retarded persons, as defined in this Act, shall receive all rights, benefits, standards, protections, and enforcements, relative to community habilitative and supportive services on a nondiscriminatory basis, without regard to present or past association by the client with any public or private institution, skilled nursing facility, intermediate care facility, or intermediate care facility for the mentally retarded; or with any present or past receipt of “waiver” services provided under the terms of section 1915(c) of the Social Security Act.

(c) EFFECTIVE DATE.—The amendment made by this section with respect to waivers approved or renewed on or after the date of the enactment of this Act, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

SEC. 104. ANNUAL REPORT.

The Secretary of Health and Human Services shall report to the Congress annually on the extent to which providers of community habilitation and supportive services and residential settings in which such services are provided are complying with the requirements of subsections (e) and (f) of section 1926 of the Social Security Act (as inserted by the amendments made by this title) and the number and type of enforcement actions taken by States and the Secretary under section 1926(h) of such Act (as inserted by this title).

## TITLE II—QUALITY ASSURANCE FOR HABILITATION FACILITY SERVICES

SEC. 201. REQUIREMENTS FOR HABILITATION FACILITIES.

(a) SPECIFICATION OF FACILITY REQUIREMENTS.—Title XIX of the Social Security Act, as amended by section 303(a) of the Family Support Act of 1988 (Public Law 100-485) and as amended by section 101(b) of this Act, is amended by inserting after section 1926 the following new section:

“REQUIREMENTS FOR HABILITATION FACILITIES

“SEC. 1927. (a) HABILITATION FACILITY DEFINED.—In this title, the term ‘habilitation facility’ means an institution (or a distinct part of an institution) which—

“(1) is primarily engaged in providing to clients health or habilitation services to individuals with mental retardation or related condition, and is not primarily for the care and treatment of mental diseases; and

“(2) meets the requirements for a habilitation facility described in subsections (b), (c), and (d) of this section.

In this section, the term ‘client’ means an individual with mental retardation or a related condition.

“(b) REQUIREMENTS RELATING TO PROVISION OF SERVICES.—

“(1) QUALITY OF LIFE.—An habilitation facility must care for its clients in such a manner and in such an environment as will promote maintenance or enhancement of the quality of life, independence, productivity, and integration into the community of each client.

“(2) SCOPE OF SERVICES AND ACTIVITIES UNDER INDIVIDUAL PROGRAM PLAN.—

“(A) IN GENERAL.—An habilitation facility must provide each client, in accordance with an individual program plan, with continuous active treatment (as defined in subparagraph (B)) which is coordinated and monitored by a qualified mental retardation professional.

“(B) ACTIVE TREATMENT DEFINED.—In this section, the term ‘active treatment’ means services directed towards—

“(i) the acquisition of behaviors and skills necessary for the client to function with as much self determination, independence, productivity, and integration as possible, and

“(ii) the prevention or deceleration of regression or loss of current optimal functional status.

Such term does not include services to maintain generally independent clients who are able to function with little supervision or in the absence of a continuous active treatment program.

“(3) INDIVIDUAL PROGRAM PLAN.—

“(A) DEVELOPMENT OF IPPS.—

“(i) IN GENERAL.—An habilitation facility must develop (or provide for the development of), not later than 30 days after the date of admission of each client, an individual program plan (in this section referred to as an ‘IPP’) which states specific objectives necessary to meet the client's needs, as identified in the comprehensive functional assessment conducted under paragraph (4).

“(ii) PREPARATION BY AN INTERDISCIPLINARY TEAM.—Each IPP shall be prepared by an appropriate interdisciplinary team and shall be periodically reviewed and revised by such a team after each assessment under paragraph (4). Such team shall include, in the case of a client who has a seizure disorder, a professional with expertise in the diagnosis and treatment of seizure disorders. Such team shall include, in the case of an IPP which provides for physical or chemical restraints, a person who has expertise in positive behavioral interventions.

“(iii) REQUIRED PARTICIPATION IN DEVELOPMENT OF IPP.—In developing an IPP for a client, the facility shall notify, and provide for and encourage the participation of, the client, the client's parents (if the client is a minor), and the client's legal guardian (if any).

“(iv) PERMISSIVE PARTICIPATION OF PARENTS OF ADULT CLIENTS.—A parent (if the client is not a minor) who is not a legal guardian of the client may participate in developing the IPP unless the client has objected to the parent's participation.

“(B) AVAILABILITY.—A copy of each IPP must, consistent with subsection (c)(1) (A)(iv), be made accessible to all relevant staff, including staffs of other agencies who work with the client, and to the client's parents and legal guardian (if any).

“(C) MEDICAL CARE PLAN.—The IPP shall include a formalized plan for the provision of physician, licensed nursing care, and related medical care services if the client's physician determines that the client requires such a plan.

“(4) COMPREHENSIVE FUNCTIONAL ASSESSMENT.—

"(A) REQUIREMENT.—An habilitation facility must provide for comprehensive functional assessments, and review of such assessments, of each client by an interdisciplinary team. Such an assessment and review must identify each client's developmental and behavioral management needs.

"(B) FREQUENCY.—

"(i) ASSESSMENTS.—Such an assessment must be conducted promptly upon (but no later than 30 days after the date of) admission for each individual admitted on or after January 1, 1991, and by not later than January 1, 1992, for each client of the facility on that date.

"(ii) REVIEWS.—A review of each such assessment shall be performed in no case less often than once every 12 months.

"(C) USE.—The results of such an assessment or review shall be used in developing, reviewing, and revising the client's IPP under paragraph (3).

"(D) REQUIREMENTS RELATING TO PREADMISSION SCREENING FOR INDIVIDUALS WITH MENTAL RETARDATION OR RELATED CONDITION.—An habilitation facility must not admit, on or after January 1, 1991, any new client who is an individual with mental retardation or related condition (as defined in section 1905(m)) unless the State mental retardation or developmental disability authority has determined prior to admission, based on an independent evaluation performed by a person or entity other than the facility, that the individual requires the level of services provided by an habilitation facility.

"(5) PROVISION OF SERVICES AND ACTIVITIES.—

"(A) IN GENERAL.—To the extent needed to fulfill all IPPs described in paragraph (3), an habilitation facility must provide (or arrange for the provision of)—

"(i) physician services 24 hours a day;

"(ii) annual physical examinations (including vision and hearing examination, routine immunizations and tuberculosis control, and routine laboratory examinations);

"(iii) licensed nursing services sufficient to meet health needs of clients;

"(iv) comprehensive dental diagnostic services, including—

"(I) a complete extraoral and intraoral examination, not later than one month after the date of admission to the facility (unless such an examination was completed within 12 months before admission), and

"(II) periodic examination and diagnosis performed at least annually;

"(v) comprehensive dental treatment services, including—

"(I) provision of emergency dental treatment on a 24-hour-a-day basis by a licensed dentist, and

"(II) dental care needed for relief of pain and infections, restoration of teeth, and maintenance of dental health;

"(vi) routine and emergency drugs and biologicals for clients and procedures that assure the accurate acquiring, receiving, dispensing, and administering of all drugs and biologicals;

"(vii) professional program services needed to implement the active treatment plan defined in each client's IPP; and

"(viii) meal services, including at least 3 meals daily, and food and nutrition services that assure that the meals meet the daily nutritional and special dietary needs of each client.

The services provided or arranged by the facility must meet professional standards of quality. The facility may, to the extent permitted by State law, utilize physician assist-

ants and nurse practitioners to provide services described in clauses (i) and (ii).

"(B) QUALIFIED PERSONS PROVIDING SERVICES.—Services described in subparagraph (A) must be provided by qualified persons in accordance with each client's IPP.

"(C) FACILITY STAFFING.—

"(i) IN GENERAL.—An habilitation facility must have, or arrange for the provision of, sufficient direct care staff to meet the needs of clients at the facility.

"(ii) NO DEPENDENCE ON VOLUNTEERS.—An habilitation facility may not use a client or volunteer to meet the requirements of this subparagraph.

"(iii) NO USE OF CERTAIN INDIVIDUALS.—An habilitation facility may not use individuals in the facility who have been convicted of child or client abuse, neglect, or mistreatment. The facility must take all reasonable steps to determine whether applicants for employment at the facility have histories indicating involvement in child or client abuse, neglect, or mistreatment and, if an applicant has such a history, not to use the applicant in the facility.

"(6) PHYSICIAN SUPERVISION.—An habilitation facility must—

"(A) require that the health care of every client be provided under the supervision of a physician; and

"(B) provide for having a physician available to furnish necessary medical care in case of emergency.

"(7) RECORDS.—An habilitation facility must maintain records on all clients, which records include clinical records, IPPs (described in paragraph (3)), and the clients' comprehensive functional assessments (described in paragraph (4)), as well as the findings of any preadmission screen.

"(c) REQUIREMENTS RELATING TO CLIENTS' RIGHTS.—

"(1) GENERAL RIGHTS.—

"(A) SPECIFIED RIGHTS.—An habilitation facility must protect and promote the rights of each client, including each of the following rights:

"(i) FREE FROM ABUSE.—The right to be free from physical, verbal, sexual, or psychological abuse, corporal or psychological punishment, aversive stimuli, and involuntary seclusion.

"(ii) FREE FROM RESTRAINTS.—The right to be free from any physical or chemical restraints imposed for purposes of discipline or convenience of the staff or as a substitute for active treatment and not required to treat the client's medical symptoms. Restraints may only be imposed, in accordance with written policies and procedures as an integral part of the IPP to manage inappropriate client behavior, but only upon a recent showing, in the client's record, that less intrusive or more positive techniques have been tried, used appropriately, and proved unsuccessful.

"(iii) PRIVACY.—The right to privacy with regard to accommodations, medical treatment, written and telephonic communications, visits, and meetings of family and friends and of client groups.

"(iv) CONFIDENTIALITY.—The right to confidentiality of personal and clinical records.

"(v) ACCOMMODATION OF NEEDS.—The right—

"(I) to reside and receive services with reasonable accommodations of individual needs and preferences (including the right to retain and use personal possessions and clothing), except where the health or safety of the individual or other clients would be endangered, and

"(II) to receive adequate notice and explanation of the reasons therefor before the

room or roommate of the client in the facility is changed and, other than in extraordinary circumstances, to disapprove such a change.

"(vi) DIGNITY.—The right to be treated with dignity in a manner consistent with the client's chronological age.

"(vii) GRIEVANCES.—The right to voice grievances with respect to treatment or care that is (or fails to be) furnished, without discrimination or reprisal (or threat of discrimination or reprisal) for voicing the grievances and the right to prompt efforts by the facility to resolve grievances the client may have, including those with respect to the behavior of other clients.

"(viii) PARTICIPATION IN CLIENT AND FAMILY GROUPS.—The right of the client to organize and participate in client groups in the facility and the right of the client's family to meet in the facility with the families of other clients in the facility. Nothing in this clause shall be construed as requiring a facility to provide for a room specifically designed to accommodate meetings under this clause.

"(ix) PARTICIPATION IN OTHER ACTIVITIES.—The right of the client to participate in social, religious, and community activities that do not interfere with the rights of other clients in the facility.

"(x) EXAMINATION OF SURVEY RESULTS.—The right to examine, upon reasonable request, the results of the most recent survey of the facility conducted by the Secretary or a State with respect to the facility and any plan of correction in effect with respect to the facility.

"(xi) FREE CHOICE WITH RESPECT TO MEDICAL CARE AND TREATMENT.—The right to choose a personal attending physician and to choose a qualified mental retardation professional or case manager, to be fully informed in advance about care and treatment, to be fully informed in advance of any changes in care or treatment that may affect the client's well-being, and to participate in planning care and treatment or changes in such care and treatment.

"(xii) VOLUNTARY SERVICES.—The right not to be compelled to perform services for the facility and, if the client chooses to perform such services, to be compensated for such services at prevailing wages commensurate with the client's productivity.

"(xiii) OTHER RIGHTS.—Any other right established by the Secretary.

Clause (v) shall not be construed as requiring the provision of a private room.

"(B) NOTICE OF RIGHTS.—A habilitation facility must—

"(i) inform each client, parent (if the client is a minor), or legal guardian (if any), orally and in writing at the time of admission to the facility, of the client's legal rights during the stay at the facility; and

"(ii) make available to each client, parent (if the client is a minor), or legal guardian (if any), upon reasonable request, a written statement of such rights (which statement is updated upon changes in such rights).

The written description of legal rights under this subparagraph shall include a description of the protection of personal funds under paragraph (6) and the mailing address, contact person, and telephone number of the State protection and advocacy system (established under part C of the Developmental Disabilities Assistance and Bill of Rights Act) or other appropriate agency with whom the client, parent, or guardian may file a complaint respecting

client abuse and neglect and misappropriation of client property in the facility.

"(C) RIGHTS OF INCOMPETENT CLIENTS.—In the case of a client adjudged incompetent under the laws of a State, the rights of the client under this title shall devolve upon, and, to the extent judged necessary by a court of competent jurisdiction, be exercised by, a person appointed under State law to act on the client's behalf. For purposes of the previous sentence, the term 'person' includes an organization which is independent of a facility.

"(D) USE OF PSYCHOPHARMACOLOGIC DRUGS.—Psychopharmacologic drugs may be administered only on the orders of a physician and only as an integral part of a plan (included in the IPP) designed to eliminate or modify the symptoms or behaviors for which the drugs are prescribed and only if, at least annually, an independent, external consultant trained in the administration and interaction of psychopharmacologic drugs reviews the appropriateness of the drug plan of each client receiving such drugs.

"(2) TRANSFER AND DISCHARGE RIGHTS.—

"(A) IN GENERAL.—A habilitation facility must permit each client to remain in the facility and must not transfer or discharge the client from the facility unless—

"(i) the transfer or discharge is necessary to meet the client's welfare and the client's welfare cannot be met in the facility in the opinion of a qualified case manager, operating independently of the interests of any service provider;

"(ii) the transfer or discharge is appropriate because the client no longer requires continuous active treatment;

"(iii) the safety of individuals in the facility is endangered;

"(iv) the health of individuals in the facility would otherwise be endangered; or

"(v) the facility ceases to operate or the transfer or discharge is pursuant to a court order or under a reduction plan approved by the Secretary under subsection (i).

In each of the cases described in clauses (i) through (iv), the basis for the transfer or discharge must be documented in the client's clinical record. In the cases described in clauses (i) and (ii), the documentation must be made by a qualified mental retardation professional, with the concurrence of the Interdisciplinary Team and in the cases described in clause (iv) the documentation must be made by a physician. A facility may not transfer or discharge a client under clause (i) or (ii) unless the service needs of the client recommended under subparagraph (C)(ii) will be met in the client's new living environment. A facility may not transfer or discharge a client under clause (iii) or (iv) unless adequate arrangements have been made for an alternative placement.

"(B) PRETRANSFER AND PREDISCHARGE NOTICE.—

"(i) IN GENERAL.—Before effecting a transfer or discharge of a client (including such a transfer or discharge under a reduction plan under subsection (i)), a habilitation facility must—

"(I) notify the client, parent (if the client is a minor), or legal guardian (if any) of the transfer or discharge and the reasons therefor.

"(II) record the reasons in the client's clinical record (including any documentation required under subparagraph (A)), and

"(III) include in the notice the items described in clause (iii).

"(ii) TIMING OF NOTICE.—The notice under clause (i)(I) must be made at least 60 days in advance of the client's transfer or discharge except—

"(I) in a case described in clause (iii) or (iv) of subparagraph (A);

"(II) in a case described in clause (i) of subparagraph (A), where a more immediate transfer or discharge is necessitated by the client's urgent medical needs; or

"(III) in a case where a client has not resided in the facility for 60 days.

In the case of such exceptions, notice must be given as many days before the date of the transfer or discharge as is practicable.

"(iii) ITEMS INCLUDED IN NOTICE.—Each notice under clause (i) must include—

"(I) for transfers or discharges effected on or after January 1, 1991, notice of the client's right to appeal the transfer or discharge under the State process established under subsection (e)(5)(B); and

"(II) in the case of clients with developmental disabilities, the mailing address, contact person, and telephone number of the agency responsible for the protection and advocacy system for developmentally disabled individuals established under part C of the Developmental Disabilities Assistance and Bill of Rights Act.

"(C) SUMMARY, POST-DISCHARGE PLAN, AND ORIENTATION.—If a client is to be either transferred or discharged (including such a transfer or discharge under a reduction plan under subsection (i)), the facility must—

"(i) provide a final summary of the client's developmental, behavioral, social, health, and nutritional status and skills at the time for the discharge that is available for release to authorized persons and agencies, with the consent of the client, parent (if the client is a minor), or legal guardian (if any),

"(ii) provide recommendations relating to the service needs of the client in the client's new living environment; and

"(iii) provide the client with sufficient preparation and orientation (taking into account the client's length of stay at the facility) to ensure safe and orderly transfer or discharge from the facility.

"(3) ACCESS AND VISITATION RIGHTS.—A habilitation facility must—

"(A) permit immediate access to any client by any representative of the Secretary, by any representative of the State, by the protection and advocacy system described in paragraph (2)(B)(iii)(II), or by the client's physician or qualified mental retardation professional;

"(B) permit immediate access to a client, subject to the client's right to deny or withdraw consent at any time, by immediate family or other relatives of the client;

"(C) permit immediate access to a client, subject to reasonable restrictions and the client's right to deny or withdraw consent at any time, by others who are visiting with the consent of the client;

"(D) permit reasonable access to a client by any other entity or individual that provides health, social, legal, or other services to the client or that is a friend of the client, subject to the right of the client, parent (if the client is a minor), or legal guardian (if any) to deny or withdraw consent at any time;

"(E) permit representatives of the State protection and advocacy system (described in paragraph (2)(B)(iii)(II)), with the permission of the client, parent (if the client is a minor), or legal guardian (if any) and consistent with State law, to examine a client's records; and

"(F) permit representatives of such State protection and advocacy system to have

access to any client and to examine the client's records, in the case of any client—

"(i) who, by reason of the client's mental or physical condition, is unable to authorize such examination,

"(ii) who does not have a legal guardian, conservator, or other legal representative, or for whom the legal guardian is the State, and

"(iii) with respect to whom a complaint has been received by such system or with respect to whom there is probable cause to believe that such client has been subject to abuse and neglect.

"(4) EQUAL ACCESS TO QUALITY CARE.—An habilitation facility must establish and maintain identical policies and practices regarding the admission, transfer, and discharge of, and the provision of services required under the State plan for, all individuals regardless of source of payment.

"(5) ADMISSIONS POLICY.—With respect to admissions practices, an habilitation facility must—

"(A)(i) not require individuals applying to reside or residing in the facility to waive their rights to benefits under this title, (ii) not require oral or written assurance that such individuals are not eligible for, or will not apply for, benefits under this title, and (iii) provide to such individuals (and their representatives) oral and written information about how to apply for and use such benefits and how to receive refunds for previous payments covered by such benefits;

"(B) not require a third party guarantee of payment to the facility as a condition of admission (or expedited admission) to, or continued stay in, the facility; and

"(C) in the case of an individual who is entitled to medical assistance for habilitation facility services, not charge, solicit, accept, or receive, in addition to any amount otherwise required to be paid under the State plan under this title, any gift, money, donation, or other consideration as a precondition of admitting (or expediting the admission of) the individual to the facility or as a requirement for the individual's continued stay in the facility.

"(6) MANAGEMENT OF CLIENT FUNDS.—

"(A) IN GENERAL.—The habilitation facility—

"(i) whether or not a client deposits personal funds with the facility, must allow individual clients to manage their financial affairs and teach them to do so to the extent of their capabilities, and

"(ii) upon the written authorization of the client, parent (if the client is a minor), or legal guardian (if any), must hold, safeguard, and account for such personal funds under a system established and maintained by the facility in accordance with this paragraph.

"(B) FACILITY MANAGEMENT OF PERSONAL FUNDS.—Upon a facility's acceptance of written authorization under subparagraph (A)(ii), the facility must manage and account for the personal funds of the client deposited with the facility as follows:

"(i) DEPOSIT.—The facility must deposit any amount of personal funds in excess of \$50 with respect to a client in an interest bearing account (or accounts) that is separate from any of the facility's operating accounts and credit all interest earned on such separate account to such account. With respect to any other personal funds, the facility must maintain such funds in a noninterest bearing account or petty cash fund.

"(ii) ACCOUNTING AND RECORDS.—The facility must assure a full and complete separate accounting of each such client's personal

funds, maintain a written record of all financial transactions involving the personal funds of a client deposited with the facility, and afford the client, parent (if the client is a minor), or legal guardian (if any) reasonable access to such record.

"(iii) NOTICE OF CERTAIN BALANCES.—The facility must notify each client receiving medical assistance under this title or the parent (if the client is a minor) or legal guardian (if any), when the amount in the client's account reaches \$200 less than the dollar amount determined under section 1611(a)(3)(B) and the fact that if the amount in the account (in addition to the value of the client's other nonexempt resources) reaches the amount determined under such section the client may lose eligibility for such medical assistance or for benefits under title XVI.

"(iv) CONVEYANCE UPON DEATH.—Upon the death of a client with such an account, the facility must convey promptly the client's personal funds (and a final accounting of such funds) to the individual administering the client's estate.

"(C) ASSURANCE OF FINANCIAL SECURITY.—The facility must purchase a surety bond, or otherwise provide assurance satisfactory to the Secretary, to assure the security of all personal funds of clients deposited with the facility. In addition, the chairperson of the governing body of the facility, and the chairperson of any committee or organization representing the clients, and their parents and guardians, shall promptly be notified as to the content of any allegations and associated reports.

"(D) LIMITATION ON CHARGES TO PERSONAL FUNDS.—The facility may not impose a charge against the personal funds of a client for any item or service for which payment is made under this title.

"(E) NO FACILITY BORROWING OF PERSONAL FUNDS.—The facility may not borrow, or use as security for any indebtedness, personal funds deposited with the facility.

"(d) REQUIREMENTS RELATING TO ADMINISTRATION AND OTHER MATTERS.—

"(1) ADMINISTRATION.—An habilitation facility must be administered in a manner that enables it to use its resources effectively and efficiently to promote maintenance or enhancement of the quality of life, independence, productivity, and integration into the community of each client.

"(2) LICENSING AND LIFE SAFETY CODE.—

"(A) LICENSING.—An habilitation facility must be licensed under applicable State and local law.

"(B) LIFE SAFETY CODE.—An habilitation facility must meet such provisions of such edition (as specified by the Secretary in regulation) of the Life Safety Code of the National Fire Protection Association as are applicable to health care occupancies or residential board and care occupancies; except that—

"(i) the Secretary may waive, for such periods as he deems appropriate, specific provisions of such Code which if rigidly applied would result in unreasonable hardship upon a facility, but only if such waiver would not adversely affect the health and safety of clients or personnel, and

"(ii) the provisions of such Code shall not apply in any State if the Secretary finds that in such State there is in effect a fire and safety code, imposed by State law, which adequately protects clients of and personnel in habilitation facilities.

"(3) SANITATION AND INFECTION CONTROL AND PHYSICAL ENVIRONMENT.—An habilitation facility must—

"(A) establish and maintain an infection control program designed to provide a safe, sanitary, and comfortable environment in which clients reside and to help prevent the development and transmission of disease and infection, and

"(B) be designed, constructed, equipped, and maintained in a manner to protect the health and safety of clients, personnel, and the general public.

"(4) MISCELLANEOUS.—

"(A) COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND PROFESSIONAL STANDARDS.—An habilitation facility must operate and provide services in compliance with all applicable Federal, State, and local laws and regulations (including the requirements of section 1124) and with accepted professional standards and principles which apply to professionals providing services in such a facility.

"(B) OTHER.—An habilitation facility must meet such other requirements relating to the health and safety of clients or relating to the physical facilities thereof as the Secretary may find necessary."

(c) STATE REQUIREMENT FOR PREADMISSION SCREENING AND CLIENT REVIEW.—For State requirement for preadmission screening and client review, see the amendment made by section 301 of this Act.

(d) FEDERAL RESPONSIBILITIES.—Section 1927 of such Act is amended by adding at the end the following new subsection:

"(f) RESPONSIBILITIES OF SECRETARY RELATING TO HABILITATION FACILITY REQUIREMENTS.—

"(1) GENERAL RESPONSIBILITY.—It is the duty and responsibility of the Secretary to assure that requirements which govern the provision of care in habilitation facilities under State plans approved under this title, and the enforcement of such requirements, are adequate to protect the health, safety, welfare, and rights of clients and to promote the effective and efficient use of public moneys.

"(2) OPERATIONAL DEFINITION OF CONTINUOUS ACTIVE TREATMENT.—The Secretary shall establish, by not later than January 1, 1991, an operational definition of continuous active treatment that promotes a consistent assessment of whether an habilitation facility is in compliance with the requirements of subsection (b)(2)(A).

"(3) FEDERAL GUIDELINES FOR STATE APPEALS PROCESS FOR TRANSFERS AND DISCHARGES.—For purposes of subsections (c)(2)(B)(iii) and (e)(5)(B), by not later than July 1, 1990, the Secretary shall establish guidelines for minimum standards which State appeals processes under subsection (e)(5)(B) must meet to provide a fair mechanism for hearing appeals on transfers and discharges of clients from habilitation facilities. The guidelines shall provide, upon the request of a client, parent (if the client is a minor), or legal guardian (if any), for the participation of a representative of the State protection and advocacy system (described in subsection (e)(2)(B)(iii)(II)) in the appeals process with respect to that client.

"(4) CRITERIA FOR ADMINISTRATION.—The Secretary shall establish criteria for assessing an habilitation facility's compliance with the requirement of subsection (d)(1) with respect to—

"(A) its governing body and management,

"(B) disaster preparedness,

"(C) laboratory and radiological services (if provided),

"(D) clinical records, and

"(E) client and advocate participation."

(b) INCORPORATING REQUIREMENTS INTO STATE PLAN.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (13)(A), by inserting "which, in the case of habilitation facilities, take into account the costs of complying with subsections (b) (other than paragraph (4)(D)), (c), and (d) of section 1927," after "State" the second place it appears; and

(2) in paragraph (28), by striking "and" at the end of subparagraph (C) and by adding at the end the following new subparagraphs:

"(E) that any habilitation facility receiving payments under such plan must satisfy all the requirements of subsections (b) through (d) of section 1927 as they apply to such facilities; and

"(F) for compliance (by the date specified in the respective sections) with the requirements of—

"(i) section 1927(e) (relating to preadmission screening and client review);

"(ii) section 1927(g) (relating to responsibility for survey and certification of habilitation facilities); and

"(iii) sections 1927(h)(2)(B) and 1927(h)(2)(D) (relating to establishment and application of remedies);"

(c) REVISION OF PREVIOUS DEFINITION.—Subsection (d) of section 1905 of such Act (42 U.S.C. 1396d) is amended to read as follows:

"(d) For definition of the term 'habilitation facility', see section 1927(a)."

(d) CONFORMING AMENDMENTS.—(1) Section 1902 of such Act (42 U.S.C. 1396a) is amended—

(A) in subsections (a)(10)(A)(ii)(VI), (a)(10)(C)(iv), (a)(13), (a)(30)(B), and (e)(3)(B)(i), by striking "intermediate care facility for the mentally retarded" each place it appears and inserting "habilitation facility";

(B) in subsections (a)(13)(C), by striking "intermediate care facilities for the mentally retarded" and inserting "habilitation facilities";

(C) in subsection (e)(9)(A)(iii), by striking "nursing facility, or intermediate care facility for the mentally retarded" and inserting "or nursing facility"; and

(D) in subsection (e)(9)(B), by striking "nursing facilities, or intermediate care facilities for the mentally retarded" and inserting "or nursing facilities".

(2) Section 1905 of such Act (42 U.S.C. 1396d) is amended—

(A) in subsection (a)(15), by striking "intermediate care facility for the mentally retarded" and inserting "habilitation facility", and

(B) in subsection (a)(15), by striking "section 1902(a)(31)(A)" and inserting "section 1927(e)".

(3) Section 1915(c) of such Act (42 U.S.C. 1396n(c))—

(A) in paragraphs (1), (2)(C), (5), and (7)(B), by striking "intermediate care facility for the mentally retarded" each place it appears and inserting "habilitation facility",

(B) in paragraph (2)(B), by striking "intermediate care facility services for the mentally retarded" and "habilitation facility services", and

(C) in paragraph (7)(A), by striking "intermediate care facilities for the mentally retarded" and inserting "habilitation facilities".

(4) Section 1916 of such Act (42 U.S.C. 1396o) is amended, in subsections (a)(2)(C) and (b)(2)(C), by striking "intermediate care facility for the mentally retarded" and inserting "habilitation facility".

(5) Section 1917(a)(1)(B)(i) of such Act (42 U.S.C. 1396p(a)(1)(B)(i)) is amended by striking "intermediate care facility for the mentally retarded" and inserting "habilitation facility".

(6) Section 1128B of such Act (42 U.S.C. 1320a-7b) is amended, in subsections (c) and (d)(2)(A), by striking "intermediate care facility for the mentally retarded" and inserting "habilitation facility".

#### SEC. 202. SURVEY AND CERTIFICATION PROCESS.

Section 1927 of the Social Security Act, as inserted by section 201, is amended by adding at the end the following new subsection:

"(g) SURVEY AND CERTIFICATION PROCESS.—

"(1) STATE AND FEDERAL RESPONSIBILITY.—

"(A) IN GENERAL.—Under each State plan under this title, the State shall be responsible for certifying, in accordance with surveys conducted under paragraph (2), the compliance of habilitation facilities (other than facilities of the State) with the requirements of subsections (b), (c), and (d). The Secretary shall be responsible for certifying, in accordance with surveys conducted under paragraph (2), the compliance of State habilitation facilities with the requirements of such subsections.

"(B) EDUCATIONAL PROGRAM.—Each State shall conduct periodic educational programs for the staff and clients in habilitation facilities, and for the parents (if the client is a minor) and legal guardians (if any) of such clients, in order to present current regulations, procedures, and policies under this section.

"(C) INVESTIGATION OF ALLEGATIONS OF CLIENT NEGLECT AND ABUSE AND MISAPPROPRIATION OF CLIENT PROPERTY.—The State shall provide, through the agency responsible for surveys and certification of habilitation facilities under this subsection, for a process for the receipt, review, and investigation of allegations of client neglect and abuse (including injuries of unknown source) by staff and of misappropriation of client property by staff in an habilitation facility. Such process shall provide for documentation of findings relating to such allegations with respect to a staff member, for inclusion of any brief statement of the staff member disputing such findings, and for inclusion, in any disclosure of such findings, of such brief statement (or of a clear and accurate summary thereof). The findings relating to such allegations shall be made available, on request, to the State protection and advocacy system (described in subsection (c)(2)(B)(iii)(II)) and to other appropriate agency or agencies with whom a client, parent, or guardian may file a complaint respecting client abuse and neglect and misappropriation of client property in the facility. In addition, the chairperson of the governing body of the facility, and the chairperson of any committee or organization representing the clients, and their parents and guardians, shall promptly be notified as to the content of any allegations and associated reports.

"(D) CONSTRUCTION.—The failure of the Secretary to issue regulations to carry out this subsection shall not relieve a State of its responsibility under this subsection.

"(2) ANNUAL SURVEYS.—

"(A) IN GENERAL.—Each habilitation facility shall be subject to an annual survey, to be conducted without any prior notice to the facility. Any individual who notifies (or causes to be notified) an habilitation facility of the time or date on which such a survey is scheduled to be conducted is subject to a civil money penalty of not to exceed \$2,000.

The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). The Secretary shall review each State's procedures for scheduling and conduct of annual surveys to assure that the State has taken all reasonable steps to avoid giving notice of such a survey through the scheduling procedures and the conduct of the surveys themselves.

"(B) CONTENTS.—Each annual survey shall include—

"(i) a review, based on a representative sample of clients and IPPs, of the quality, appropriateness, and effectiveness of active treatment provided, and

"(ii) a review of compliance with all requirements under this section.

"(C) FREQUENCY.—Each habilitation facility shall be subject to an annual survey not later than 15 months after the date of the previous annual survey conducted under this subparagraph. The Statewide average interval between annual surveys of habilitation facilities shall not exceed 12 months.

"(D) SURVEY PROTOCOL.—Annual surveys shall be conducted—

"(i) based upon a protocol which the Secretary has developed, tested, and validated by not later than October 1, 1990, and

"(ii) by individuals, of a survey team, who meet such minimum qualifications as the Secretary establishes by not later than such date.

The failure of the Secretary to develop, test, or validate such protocols or to establish such minimum qualifications shall not relieve any State of its responsibility (or the Secretary of the Secretary's responsibility) to conduct surveys under this subsection.

"(E) CONSISTENCY OF SURVEYS.—Each State shall implement programs to measure and reduce inconsistency in the application of survey results among surveyors.

"(F) SURVEY TEAMS.—

"(i) IN GENERAL.—Surveys under this subsection shall be conducted by a multidisciplinary team of professionals.

"(ii) PROHIBITION OF CONFLICTS OF INTEREST.—A State may not use as a member of a survey team under this subsection an individual who is serving (or has served within the previous 2 years) as a member of the staff of, or as a consultant to, the facility surveyed respecting compliance with the requirements of subsections (b), (c), and (d), or who has a personal or familial financial interest in the facility being surveyed.

"(iii) TRAINING.—The Secretary shall provide for the comprehensive training of State and Federal surveyors in the conduct of annual surveys under this subsection, including the auditing of client assessments and IPPs. No individual shall serve as a member of a survey team unless the individual has successfully completed a training and testing program in survey and certification techniques that has been approved by the Secretary.

"(3) VALIDATION SURVEYS.—

"(A) IN GENERAL.—The Secretary shall conduct onsite surveys of a representative sample of habilitation facilities in each State, within 2 months of the date of surveys conducted under paragraph (2) by the State, in a sufficient number to allow inferences about the adequacies of each State's surveys conducted under paragraph (2). In conducting such surveys, the Secretary shall use the same survey protocols as the State is required to use under paragraph (2). If the State has determined that an individual

habilitation facility meets the requirements of subsections (b), (c), and (d), but the Secretary determines that the facility does not meet such requirements, the Secretary's determination as to the facility's noncompliance with such requirements is binding and supersedes that of the State survey.

"(B) REDUCTION IN ADMINISTRATIVE COSTS FOR SUBSTANDARD PERFORMANCE.—If the Secretary finds, on the basis of such surveys, that a State has failed to perform surveys as required under paragraph (2) or that a State's survey and certification performance otherwise is not adequate, the Secretary may provide for the training of survey teams in the State and shall provide for a reduction of the payment otherwise made to the State under section 1903(a)(2)(D) with respect to a quarter equal to 33 percent multiplied by a fraction, the denominator of which is equal to the total number of clients in habilitation facilities surveyed by the Secretary that quarter and the numerator of which is equal to the total number of clients in habilitation facilities which were found pursuant to such surveys to be not in compliance with any of the requirements of subsections (b), (c), and (d). A State that is dissatisfied with the Secretary's findings under this subparagraph may obtain reconsideration and review of the findings under section 1116 in the same manner as a State may seek reconsideration and review under that section of the Secretary's determination under section 1116(a)(1).

"(C) SPECIAL SURVEYS OF COMPLIANCE.—Where the Secretary has reason to question the compliance of an habilitation facility with any of the requirements of subsections (b), (c), and (d), the Secretary may conduct a survey of the facility and, on the basis of that survey, make independent and binding determinations concerning the extent to which the habilitation facility meets such requirements.

"(4) INVESTIGATION OF COMPLAINTS AND MONITORING HABILITATION FACILITY COMPLIANCE.—Each State and the Secretary shall maintain procedures and adequate staff to—

"(A) investigate complaints of violations of requirements by habilitation facilities, and

"(B) monitor, on-site, on a regular, as needed basis, an habilitation facility's compliance with the requirements of subsections (b), (c), and (d), if—

"(i) the facility has been found not to be in compliance with such requirements and is in the process of correcting deficiencies to achieve such compliance;

"(ii) the facility was previously found not to be in compliance with such requirements, has corrected deficiencies to achieve such compliance, and verification of continued compliance is indicated; or

"(iii) the State or the Secretary, respectively, has reason to question the compliance of the facility with such requirements.

"(5) DISCLOSURE OF RESULTS OF INSPECTIONS AND ACTIVITIES.—

"(A) PUBLIC INFORMATION.—Each State, and the Secretary, shall make available to the public—

"(i) information respecting all surveys and certifications made respecting habilitation facilities, including statements of deficiencies and plans of correction,

"(ii) copies of cost reports of such facilities filed under this title,

"(iii) copies of statements of ownership under section 1124, and

"(iv) information disclosed under section 1126.

"(B) NOTICE TO PROTECTION AND ADVOCACY SYSTEM.—Each State shall notify the agency responsible for the protection and advocacy system for developmentally disabled individuals established under part C of the Developmental Disabilities Assistance and Bill of Rights Act of the State's findings of non-compliance with any of the requirements of subsections (b), (c), and (d), with respect to an habilitation facility in the State.

"(C) NOTICE TO FAMILY.—If a State finds that an habilitation facility has provided services of substandard quality, the State shall notify the parent (if the client is a minor), or legal guardian (if any) of each client with respect to which such finding is made.

"(D) ACCESS TO FRAUD CONTROL UNITS.—Each State shall provide its State Medicaid fraud and abuse control unit (established under section 1903(q)) with access to all information of the State agency responsible for surveys and certifications under this subsection."

(b) REQUIRED POSTING OF SURVEY RESULTS.—Section 1927(d)(4) of such Act, as inserted by section 201 of this Act, is amended by adding at the end the following new subparagraph:

"(C) POSTING OF SURVEY RESULTS.—An habilitation facility must post in a place readily accessible to clients the results of the most recent survey of the facility conducted under subsection (g)."

#### SEC. 203. ENFORCEMENT PROCESS.

(a) IN GENERAL.—Section 1927 of the Social Security Act, as inserted by section 201 and amended by section 202, is further amended by adding at the end the following new subsection:

"(h) ENFORCEMENT PROCESS.—

"(1) IN GENERAL.—If a State finds, on the basis of an annual survey under subsection (g)(2) or otherwise, that an habilitation facility no longer meets a requirement of subsection (b), (c), or (d), and further finds that the facility's deficiencies—

"(A) immediately jeopardize the health or safety of its clients, the State shall take immediate action to remove the jeopardy and correct the deficiencies through the remedy specified in paragraph (2)(A)(iii), or terminate the facility's participation under the State plan and may provide, in addition, for one or more of the other remedies described in paragraph (2); or

"(B) do not immediately jeopardize the health or safety of its clients, the State may—

"(i) terminate the facility's participation under the State plan,

"(ii) provide for one or more of the remedies described in paragraph (2), or

"(iii) do both.

Nothing in this paragraph shall be construed as restricting the remedies available to a State to remedy an habilitation facility's deficiencies. If a State finds that an habilitation facility meets the requirements of subsections (b), (c), and (d), but, as of a previous period, did not meet such requirements, the State may provide for a civil money penalty under paragraph (2)(A)(ii) for the days in which it finds that the facility was not in compliance with such requirements.

"(2) SPECIFIED REMEDIES.—

"(A) LISTING.—Except as provided in subparagraph (B)(ii), each State shall establish by law (whether statute or regulation) at least the following remedies:

"(i) Denial of payment under the State plan with respect to any individual admitted to the habilitation facility involved after

such notice to the public and to the facility as may be provided for by the State.

"(ii) A civil money penalty assessed and collected, with interest, for each day in which the facility is or was out of compliance with a requirement of subsection (b), (c), or (d). Funds collected by a State as a result of imposition of such a penalty (or as a result of the imposition by the State of a civil money penalty for activities described in subsection (g)(2)(A)) shall be applied to the protection of the health or property of clients of habilitation facilities that the State or the Secretary finds deficient, including payment for the costs of relocation of clients, maintenance of operation of a facility pending correction of deficiencies or closure, and reimbursement of clients for personal funds lost.

"(iii) In cases where a correction or reduction plan has not been approved under subsection (i), the appointment of temporary management to oversee the operation of the facility and to assure the health and safety of the facility's clients, where there is a need for temporary management while—

"(I) there is an orderly closure of the facility, or

"(II) improvements are made in order to bring the facility into compliance with all the requirements of subsections (b), (c), and (d).

The temporary management under this clause shall not be terminated under subsection (II) until the State has determined that the facility has the management capability to ensure continued compliance with all the requirements of subsections (b), (c), and (d).

"(iv) The authority, in the case of an emergency, to close the facility, to transfer clients in that facility to other facilities, or both.

The State also shall specify criteria, as to when and how each of such remedies is to be applied, the amounts of any fines, and the severity of each of these remedies, to be used in the imposition of such remedies. Such criteria shall be designed so as to minimize the time between the identification of violations and final imposition of the remedies and shall provide for the imposition of incrementally more severe fines for repeated or uncorrected deficiencies. In addition, the State may provide for other specified remedies, such as plans of correction and reduction plans under subsection (i).

"(B) DEADLINE AND GUIDANCE.—As a condition for approval of a State plan for calendar quarters beginning on or after January 1, 1991, each State shall establish the remedies described in clauses (i) through (iv) of subparagraph (A) by not later than January 1, 1991. The Secretary shall provide, through regulations or otherwise by not later than July 1, 1990, guidance to States in establishing such remedies; but the failure of the Secretary to provide such guidance shall not relieve a State of the responsibility for establishing such remedies.

"(C) ASSURING PROMPT COMPLIANCE.—If an habilitation facility has not complied with any of the requirements of subsections (b), (c), and (d), within 3 months after the date the facility is found to be out of compliance with such requirements, and a reduction plan has not been approved with respect to the facility under subsection (i), the State shall impose the remedy described in subparagraph (A)(ii) and the remedy described in subparagraph (A)(i) for all individuals who are admitted to the facility after such date.

"(D) REPEATED NONCOMPLIANCE.—In the case of an habilitation facility which, on 3

consecutive annual surveys conducted under subsection (g)(2), has been found not to provide continuous active treatment of adequate quality and effectiveness, the State shall (regardless of what other remedies are provided)—

"(i) impose the remedies described in clauses (i) and (ii) of subparagraph (A), and

"(ii) monitor the facility under subsection (g)(4)(B),

until the facility has demonstrated, to the satisfaction of the State, that it is in compliance with the requirements of subsections (b), (c), and (d), and that it will remain in compliance with such requirements. Under clause (i), the remedy described in subparagraph (A)(ii) shall be applied with respect to each day of noncompliance covered under any of such 3 annual surveys.

"(E) FUNDING.—The reasonable expenditures of a State to provide for temporary management and other expenses associated with implementing the remedies described in clauses (iii) and (iv) of subparagraph (A) shall be considered, for purposes of section 1903(a)(7), to be necessary for the proper and efficient administration of the State plan.

"(3) SECRETARIAL AUTHORITY.—

"(A) FOR STATE HABILITATION FACILITIES.—With respect to a State habilitation facility, the Secretary shall have the authority and duties of a State under this subsection, including the authority to impose remedies described in clauses (i), (ii), and (iii) of paragraph (2)(A), except that the remedy described in subparagraph (C)(ii) shall be substituted for the remedy described in paragraph (2)(A)(ii).

"(B) OTHER HABILITATION FACILITIES.—With respect to any other habilitation facility in a State, if the Secretary finds that an habilitation facility no longer meets a requirement of subsection (b), (c), or (d), and further finds that the facility's deficiencies—

"(i) immediately jeopardize the health or safety of its clients, the Secretary shall take immediate action to remove the jeopardy and correct the deficiencies through the remedy specified in subparagraph (C)(iii), or terminate the facility's participation under the State plan and may provide, in addition, for one or more of the other remedies described in subparagraph (C); or

"(ii) do not immediately jeopardize the health or safety of its clients, the Secretary may impose any of the remedies described in subparagraph (C).

Nothing in this subparagraph shall be construed as restricting the remedies available to the Secretary to remedy an habilitation facility's deficiencies. If the Secretary finds that an habilitation facility meets such requirements but, as of a previous period, did not meet such requirements, the Secretary may provide for a civil money penalty under subparagraph (C)(ii) for the days on which he finds that the facility was not in compliance with such requirements.

"(C) SPECIFIED REMEDIES.—The Secretary may take the following actions with respect to a finding that a facility has not met an applicable requirement:

"(i) DENIAL OF PAYMENT.—The Secretary may deny any further payments to the State for medical assistance furnished by the facility to all individuals in the facility or to individuals admitted to the facility after the effective date of the finding.

"(ii) AUTHORITY WITH RESPECT TO CIVIL MONEY PENALTIES.—The Secretary may impose a civil money penalty in an amount

not to exceed \$10,000 for each day of non-compliance. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(iii) APPOINTMENT OF TEMPORARY MANAGEMENT.—In consultation with the State, the Secretary may appoint temporary management to oversee the operation of the facility and to assure the health and safety of the facility's clients, where there is a need for temporary management while—

"(I) there is an orderly closure of the facility, or

"(II) improvements are made in order to bring the facility into compliance with all the requirements of subsections (b), (c), and (d).

The temporary management under this clause shall not be terminated under subclause (II) until the Secretary has determined that the facility has the management capability to ensure continued compliance with all the requirements of subsections (b), (c), and (d).

The Secretary shall specify criteria, as to when and how each of such remedies is to be applied, the amounts of any fines, and the severity of each of these remedies, to be used in the imposition of such remedies. Such criteria shall be designed so as to minimize the time between the identification of violations and final imposition of the remedies and shall provide for the imposition of incrementally more severe fines for repeated or uncorrected deficiencies.

"(D) CONTINUATION OF PAYMENTS PENDING REMEDIATION.—The Secretary may continue payments, over a period of not longer than 6 months, under this title with respect to an habilitation facility not in compliance with a requirement of subsection (b), (c), or (d), if—

"(i) the State survey agency finds that it is more appropriate to take alternative action to assure prompt compliance of the facility with the requirements than to terminate the certification of the facility,

"(ii) the State has submitted a plan and timetable for corrective action to the Secretary for approval and the Secretary approves the plan of corrective action, and

"(iii) the State agrees to repay to the Federal Government payments received under this subparagraph if the corrective action is not taken in accordance with the approved plan and timetable.

The Secretary shall establish guidelines for the approval of corrective actions requested by States under this subparagraph.

"(E) CONTINUATION OF PAYMENTS UNDER REDUCTION PLANS.—The Secretary may continue payments in the case of habilitation facilities under the terms and conditions of a reduction plan approved under subsection (i), but only with respect to services provided on or after the date of such approval.

"(4) EFFECTIVE PERIOD OF DENIAL OF PAYMENT.—A finding to deny payment under this subsection shall terminate when the State or Secretary (or both, as the case may be) finds that the facility is in compliance with all the requirements of subsections (b), (c), and (d).

"(5) IMMEDIATE TERMINATION OF PARTICIPATION FOR FACILITY WHERE STATE OR SECRETARY FINDS NONCOMPLIANCE AND IMMEDIATE JEOPARDY.—If either the State or the Secretary finds that an habilitation facility has not met a requirement of subsection (b), (c), or (d), and finds that the failure immediately

jeopardizes the health or safety of its clients, the State or the Secretary—

"(A) shall notify the other of such finding, and

"(B) shall take immediate action to remove the jeopardy and correct the deficiencies through the remedy specified in paragraph (2)(A)(iii) or (3)(C)(iii), or terminate the facility's participation under the State plan.

If the facility's participation in the State plan is terminated by either the State or the Secretary, the State shall provide for the safe and orderly transfer of the clients eligible under the State plan consistent with the requirements of subsection (c)(2).

"(6) SHARING OF INFORMATION.—Notwithstanding any other provision of law, all information concerning habilitation facilities required by this section to be filed with the Secretary or a State agency shall be made available to Federal or State employees for purposes consistent with the effective administration of programs established under this title, including investigations by State Medicaid fraud control units.

"(i) REDUCTION PLANS.—

"(1) IN GENERAL.—If there is a finding under subsection (h)(1)(B) (including a similar finding under subsection (h)(3)(A)) or (h)(3)(B)(ii) that an habilitation facility has any deficiency that does not immediately jeopardize the health or safety of its clients, the State may elect in accordance with this subsection to submit to the Secretary a written plan—

"(A) for permanently reducing the number of certified beds, within 36 months of the date of the findings, so that, by the end of such period, the facility no longer has such deficiency, and

"(B) for providing services to clients of the facility who will not continue to receive habilitation facility services at the affected facility after such reduction, including (for clients not in an habilitation facility) community habilitation and supportive services.

"(2) APPROVAL OF PLANS.—The Secretary may not approve a plan submitted under paragraph (1) unless—

"(A) the State has provided for a hearing on the plan at the facility involved at least 6 months before the date of submission of the plan, after reasonable notice thereof to the staff and clients of the facility, members of the clients' families, and the public,

"(B) the State demonstrates that, with respect to clients described in paragraph (1)(B), the State has successfully provided services similar to the services to be provided to such clients under the plan,

"(C) the plan meets the requirements of paragraph (3), and

"(D) the State has provided the assurances required under subsection (j).

"(3) REQUIREMENTS OF REDUCTION PLANS.—The requirements of this paragraph for a reduction plan with respect to a facility are as follows:

"(A) The plan must—

"(i) identify the clients described in paragraph (1)(B),

"(ii) describe each such client's needs for services described in that paragraph and a timetable for providing such services,

"(iii) provide for continuous active treatment for such clients under the clients' IPPs, and

"(iv) identify necessary safeguards (including adequate standards for provider participation) to be taken to protect the health and welfare of such clients;

however, individually identifiable information identified under this subparagraph and

respecting a client shall be treated as confidential and not made available to the public.

"(B) The plan must permit each client of the facility who would continue to be eligible for medical assistance while a client of such a facility the option of remaining a client of such a facility or a similar facility.

"(C) The plan must specify the actions to be taken, including maintenance of adequate ratios of qualified staff to clients, (i) to protect the health and safety of clients who remain at the facility while the reduction plan is in effect and (ii) to provide for continuous active treatment for such clients under the clients' IPPs.

"(D) No facility (public or private) providing Medicaid services for mentally retarded clients shall be subject to reduction or closure plans, other than for confirmed violations of approved standards, without prior review of such plans in a public hearing, conducted at least 6 months in advance of the submission of such plans, wherein full opportunity has been provided for staff, clients, parents, guardians, duly authorized representatives, and members of the public to express their views.

"(E) In the event that closure of an habilitation facility is contemplated, the State should provide advance notice of the proposed closure (90 days) to the staff, residents, their guardians, families, and duly authorized representatives. The State should assure that all residents being transferred are, in fact, being transferred or moved to a facility that is able to provide the required services and care. The facility, or any part thereof, should not be closed until all residents have been properly and satisfactorily located.

"(F) An habilitation facility may not transfer or discharge a client following prescribed procedures including advance notice to parents, guardians, or duly authorized representatives, until satisfactory arrangements have been made with the receiving facility and assurances have been obtained to the effect that the receiving facility is fully capable of providing the required care and services. In the event that the facility to which the client is transferred is unable to provide the required care and services, the client is to be returned to the transferring facility and retained at such facility until a satisfactory transfer is arranged.

"(4) SEMIANNUAL REVIEW OF COMPLIANCE.—The Secretary shall, at 6-month intervals, review compliance of States with reduction plans approved under this subsection. If the Secretary determines in such a review that the State has failed to comply with the requirements of paragraph (3) or the assurances described in subsection (j), the Secretary shall—

"(A) terminate the facility's participation under the State plan, or

"(B) disallow, for purposes of Federal financial participation, an amount equal to 5 percent of the cost of care for all eligible individuals in the facility for each month for which the failure continues.

If the Secretary determines in such a review that the State has failed to comply with the requirement of paragraph (3)(C), the Secretary shall disallow, for purposes of Federal financial participation, the cost of care for all eligible individuals in the facility for each month for which the failure continues."

(b) REPEAL OF PREVIOUS CORRECTION AND REDUCTION PLAN PROVISION.—Section 1922 of such Act (42 U.S.C. 1396r) is repealed.

(c) CONFORMING AMENDMENTS.—(1) Section 1902 of such Act (42 U.S.C. 1396a) is amended by striking subsection (i).

(2) Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended by striking the period at the end of paragraph (7) and inserting “; or” and by adding at the end the following new paragraph:

“(8) with respect to any amount expended for medical assistance for habilitation facility services to reimburse (or otherwise compensate) an habilitation facility for payment of a civil money penalty imposed under section 1927(h).”

(3) Section 1910 (42 U.S.C. 1396i) is amended—

(1) by striking subsection (b), and  
(2) in subsection (a), by striking “(a)(1)” and “(2)” and inserting “(a)” and “(b)”, respectively.

#### SEC. 204. EFFECTIVE DATES.

(a) NEW REQUIREMENTS AND SURVEY AND CERTIFICATION PROCESS.—Except as otherwise specifically provided in section 1927 of the Social Security Act, the amendments made by sections 201 and 202 (relating to habilitation facility requirements and survey and certification requirements) shall apply to habilitation facility services furnished on or after January 1, 1991, without regard to whether regulations to implement such amendments are promulgated by such date.

(b) ENFORCEMENT.—Except as otherwise specifically provided in section 1927 of the Social Security Act, the amendments made by section 203 of this Act shall take effect on the date of the enactment of this Act and shall apply to payments under title XIX of the Social Security Act for calendar quarters beginning on or after the date of the enactment of this Act, without regard to whether regulations to implement such amendments are promulgated by such date.

(c) TRANSITIONAL RULE.—In applying the amendments made by this title for services furnished before January 1, 1991—

(A) any reference to a habilitation facility is deemed a reference to an intermediate care facility for the mentally retarded, and

(B) with respect to such a habilitation facility, any reference to a requirement of subsection (b), (c), or (d), is deemed a reference to the provisions of section 1861(j) or section 1905(c), respectively, of the Social Security Act.

(d) WAIVER OF PAPERWORK REDUCTION, ETC.—Chapter 35 of title 44, United States Code, and Executive Order 12291 shall not apply to information and regulations required for purposes of carrying out this title and implementing the amendments made by this title.

(e) RELATION TO CURRENT REGULATIONS.—For any period before the effective date of the requirements established under this title, nothing in this title shall be construed as superseding the final regulations (published on June 3, 1988, 53 Federal Register 20448) setting forth conditions for intermediate care facilities for the mentally retarded under the Medicaid program.

#### SEC. 205. ANNUAL REPORT.

The Secretary of Health and Human Services shall report to the Congress annually on the extent to which habilitation facilities are complying with the requirements of subsections (b), (c), and (d) of section 1927 of the Social Security Act (as added by the amendments made by this title) and the number and type of enforcement actions taken by States and the Secretary under section 1927(h) of such Act (as added by section 203 of this Act).

### TITLE III—APPROPRIATE PLACEMENT FOR INDIVIDUALS WITH MENTAL RETARDATION OR RELATED CONDITION

#### SEC. 301. STATE PREADMISSION SCREENING AND ANNUAL CLIENT REVIEW REQUIREMENTS.

Section 1927 of the Social Security Act, as inserted by section 201 of this Act, is further amended by inserting after subsection (d) the following new subsection:

“(e) STATE REQUIREMENT FOR PREADMISSION SCREENING AND CLIENT REVIEW.—

“(1) IN GENERAL.—

“(A) STATE CONDITION OF PLAN APPROVAL.—As a condition of approval of its plan under this title, effective January 1, 1991, the State must have in effect a preadmission screening program, for making determinations (using any criteria developed under subsection (f)(8)) described in subsection (b)(3)(F) for individuals with mental retardation or related condition (as defined in section 1905(m)) who are admitted to habilitation facilities on or after January 1, 1991. The failure of the Secretary to develop minimum criteria under subsection (f)(8) shall not relieve any State of its responsibility to have a preadmission screening program under this paragraph or to perform client reviews under paragraph (2).

“(B) FEDERAL MINIMUM CRITERIA AND MONITORING FOR PREADMISSION SCREENING AND CLIENT REVIEW.—

“(i) MINIMUM CRITERIA.—The Secretary shall develop, by not later than July 1, 1990, minimum criteria for States to use in making determinations under subsection (b)(3)(F) and paragraph (2) of this subsection and in permitting individuals adversely affected to appeal such determinations, and shall notify the States of such criteria.

“(ii) MONITORING COMPLIANCE.—The Secretary shall review a sufficient number of cases to allow reasonable inferences about the adequacy of each State's compliance with the requirements of paragraph (3)(A) (relating to discharge and placement for active treatment of certain clients).

“(2) STATE REQUIREMENT FOR ANNUAL CLIENT REVIEW.—

“(A) IN GENERAL.—As of January 1, 1991, in the case of each client, of a habilitation facility, with mental retardation or related condition, the State mental retardation or developmental disability authority must review and determine (using any criteria developed under subsection (f)(8) and based on an independent evaluation performed on site by a person or entity other than the facility)—

(i) whether or not the client requires the level of services provided by a habilitation facility; and

(ii) whether or not the client requires community habilitation and supportive services.

Such independent evaluation shall take into account the comprehensive functional assessment under subsection (b)(4).

“(B) FREQUENCY OF REVIEWS.—

“(i) ANNUAL.—Except as provided in clauses (ii) and (iii), the reviews and determinations under subparagraph (A) must be conducted with respect to each client with mental retardation or related condition not less often than annually.

“(ii) PREADMISSION REVIEW CASES.—In the case of a client subject to a preadmission review under subsection (b)(3)(F), the review and determination under subparagraph (A) need not be done until the client has resided in the habilitation facility for 1 year.

“(iii) INITIAL REVIEW.—The reviews and determinations under subparagraph (A) must first be conducted (for each client not subject to preadmission review under subsection (b)(3)(F)) by not later than January 1, 1992.

“(3) RESPONSE TO PREADMISSION SCREENING AND CLIENT REVIEW.—As of January 1, 1991, the State must meet the following requirements:

“(A) CLIENTS NOT REQUIRING HABILITATION FACILITY SERVICES, BUT REQUIRING COMMUNITY HABILITATION AND SUPPORTIVE SERVICES.—In the case of a client who is determined, under paragraph (2), not to require the level of services provided by a habilitation facility, but to require community habilitation and supportive services, the State must, in consultation with the client's family or legal representative and care-givers—

(i) arrange for the safe and orderly discharge of the client from the facility, consistent with the requirements of subsection (c)(2),

(ii) prepare and orient the client for such discharge, and

(iii) provide for (or arrange for the provision of) such community habilitation and supportive services for the mental retardation or related condition.

“(B) CLIENTS NOT REQUIRING HABILITATION FACILITY SERVICES AND NOT REQUIRING COMMUNITY HABILITATION AND SUPPORTIVE SERVICES.—In the case of a client who is determined, under paragraph (2), not to require the level of services provided by a habilitation facility and not to require community habilitation and supportive services, the State must—

(i) arrange for the safe and orderly discharge of the client from the facility, consistent with the requirements of subsection (c)(2), and

(ii) prepare and orient the client for such discharge.

“(4) DENIAL OF PAYMENT WHERE FAILURE TO CONDUCT PREADMISSION SCREENING.—No payment may be made under section 1903(a) with respect to habilitation facility services furnished to an individual for whom a determination is required under subsection (b)(3)(F) or paragraph (2) but for whom the determination is not made.

“(5) APPEALS PROCEDURES BOTH FOR PREADMISSION DETERMINATIONS AND CLIENT REVIEW AND FOR TRANSFERS AND DISCHARGES.—

“(A) PREADMISSION AND CLIENT REVIEW DETERMINATIONS.—Each State, as a condition of approval of its plan under this title, effective January 1, 1991, must have in effect an appeals process for individuals adversely affected by determinations under paragraph (1) or (2).

“(B) TRANSFERS AND DISCHARGES.—Each State, as a condition of approval of its plan under this title, effective January 1, 1991, must provide for a fair mechanism for hearing appeals on transfers or discharges of clients of habilitation facilities. Such mechanism must meet the guidelines established by the Secretary under subsection (f)(3); but the failure of the Secretary to establish such guidelines shall not relieve any State of its responsibility to provide for such a fair mechanism.”

#### SEC. 302. REVISION OF UTILIZATION REVIEW PROVISIONS.

(a) REVISION OF STATE PLAN REQUIREMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (30)(B), by striking “, intermediate care facility for the mentally retarded,” in clauses (i) and (ii)(II), and

(2) by striking paragraph (31), and  
 (3) in paragraph (44)—  
 (A) in the matter before subparagraph (A), by striking “, services in an intermediate care facility for the mentally retarded,”  
 (B) in subparagraph (A), by striking “(or, in the case of skilled” the first place it appears and all that follows through “a physician”;  
 (C) in subparagraph (A) by striking “or, in the case of” the second place it appears and all that follows through “in collaboration with a physician,”  
 (D) in subparagraph (A), by striking “(or, in the case of services” and all that follows through “every year”, and  
 (E) in subparagraph (B), by striking “or, in the case” and all that follows through “physician”.

(b) REVISION OF PENALTY PROVISIONS.—Section 1903(g) of such Act (42 U.S.C. 1396b(g)) is amended—

(1) in paragraph (1)—  
 (A) by striking “or services in an intermediate care facility for the mentally retarded” each place it appears,  
 (B) by striking “and intermediate care facilities for the mentally retarded”, and  
 (C) by striking “paragraphs (26) and (31)” and inserting “paragraph (26)”;  
 (2) in paragraph (4)(B)—  
 (A) by striking “and intermediate care facilities for the mentally retarded”,  
 (B) by striking “paragraphs (26) and (31)” and inserting “paragraph (26)”,  
 (C) by striking “and facilities” and “or facility” each place it appears;  
 (3) in paragraph (5)—  
 (A) by striking “facility or institutional” and inserting “inpatient hospital”, and  
 (B) by striking “facilities or institutions” each place it appears and inserting “hospitals”; and  
 (4) in paragraph (6)—  
 (A) by striking subparagraph (B), and  
 (B) by redesignating subparagraph (C) as subparagraph (B).

(c) CONFORMING AMENDMENTS.—(1) Section 1128(b)(12)(B) of such Act (42 U.S.C. 1320a-7(b)(12)(B)) is amended by striking “(26), (31), and (33)” and inserting “(26) and (33)”.  
 (2) Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (33)(B), by striking “section 1919(d)” and inserting “section 1919 and section 1927”, and  
 (B) in the third sentence, by striking “(9)(A), (31), and (33)” and inserting “(9)(A) and (31)”.

(3) Section 1905(a)(15) of such Act (42 U.S.C. 1396d(a)(15)) is amended by striking “, in accordance with section 1902(a)(31)(A),”.

(d) EFFECTIVE DATE.—The amendments made by this section shall not apply to a State until such date as of which the Secretary of Health and Human Services determines that the State has begun conducting annual surveys under section 1927(g) of such Act.

**TITLE IV—PAYMENT FOR COMMUNITY HABILITATION AND SUPPORTIVE SERVICES AND HABILITATION FACILITY SERVICES**

**SEC. 401. PAYMENT FOR COMMUNITY HABILITATION AND SUPPORTIVE SERVICES AND HABILITATION FACILITY SERVICES.**

(a) REASONABLE AND ADEQUATE PAYMENTS.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(13)—  
 (A) by striking “and” at the end of subparagraph (D),

(B) by inserting “and” at the end of subparagraph (E), and

(C) by adding at the end the following new subparagraph:

“(F) for payment—  
 “(i) for community habilitation and supportive services (as defined in section 1926(a)) through rates which are reasonable and adequate (and which may not be established on a capitation basis or any other risk basis) to meet the costs of providing services, efficiently and economically, in conformity with applicable State and Federal laws, regulations, and quality and safety standards, and

“(ii) for habilitation facility services through rates which are reasonable and adequate (and which may not be established on a capitation basis or any other risk basis) to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable State and Federal laws, regulations, and quality and safety standards;”;

(2) in subsection (h), by adding before the period at the end the following: “or to limit the amount of payment that may be made under a plan under this title for community habilitation and supportive services or for habilitation facility services”.

(b) DENIAL OF FEDERAL PAYMENTS TO COMPENSATE FOR CIVIL MONEY PENALTIES.—Section 1903(i)(8) of such Act (42 U.S.C. 1396b(i)(8)) is amended by inserting “(A)” after “medical assistance” and by inserting before the semicolon at the end the following: “for community habilitation and supportive services or habilitation facility services to reimburse (or otherwise compensate) a provider of such services or habilitation facility for payment of a civil money penalty imposed under this title or title XI”.

(c) EFFECTIVE DATE.—(1) The amendments made by subsection (a)(1) shall apply—

(A) to community habilitation and supportive services furnished on or after January 1, 1990, or, if later, 30 days after the date of publication of interim regulations under section 1926(i)(1), and

(B) to habilitation facility services furnished on or after January 1, 1991.

(2) The amendment made by subsection (a)(2) shall apply as though it was included in the enactment of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35).

(3) The amendment made by subsection (b) shall apply to civil money penalties imposed after the date of the enactment of this Act.

**TITLE V—EMPLOYEE PROTECTIONS AND MISCELLANEOUS**

**SEC. 501. EMPLOYEE PROTECTIONS FOR CLOSURES AND REDUCTIONS IN CAPACITY.**

(a) IN GENERAL.—Section 1927 of the Social Security Act, as inserted by section 201 and amended by sections 202 and 203 of this Act, is further amended by adding at the end the following new subsection:

“(j) EMPLOYEE PROTECTIONS FOR CAPACITY REDUCTIONS.—

“(1) IN GENERAL.—As a requirement of its State plan under section 1902(a), the State must provide that, in the case of any closure or reduction in capacity (whether through a reduction plan under subsection (i) or otherwise) of an habilitation facility in the State made on or after the date of the enactment of this subsection, the following fair and equitable arrangements have been made to protect the interests of employees of the facility affected by such closure or reduction:

“(A) The preservation of rights, privileges, and benefits (including continuation of pension rights and benefits), under applicable collective bargaining agreements.

“(B) The continuation of collective bargaining rights through any certified representative.

“(C) The protection of individual employees against a worsening of their positions with respect to their employment at the facility during the period of the closure or reduction.

“(D) Except as provided in the last sentence of this paragraph, assurance of employment of affected employees, with at least the same pay and same level of responsibilities.

“(E) The establishment of paid training or retraining programs for employment of affected employees in the provision of community habilitation and supportive services.

“(F) Provision of—

“(i) a grievance procedure (meeting the requirements of paragraph (2)) for affected employees to assure the preceding requirements have been met with respect to such employees, or

“(ii) another grievance procedure with respect to affected employees who have a certified bargaining representative, if such other grievance procedure has been agreed to by the State and by the certified bargaining representative.

Nothing in this paragraph shall be construed as entitling an affected employee to lifetime employment or as protecting an employee against a discharge for good cause.

“(2) REQUIREMENTS FOR GRIEVANCE PROCEDURE.—The grievance procedure under paragraph (1)(F)(i) shall include the following:

“(A) Informal resolution of the grievance, during the 60-day period beginning on the date of the filing of the grievance.

“(B) After such period, the affected employee shall be permitted, at the employee's election, the option of (i) submitting the grievance to binding arbitration before a qualified arbitrator who is independent of the interested parties, or (ii) a hearing on the grievance before a State agency.

“(C) An arbitration proceeding or hearing on the grievance, under subparagraph (B), shall be held within 45 days after the date of the request for such arbitration or hearing under such subparagraph.

“(D) A decision on the grievance shall be made within 30 days after the date of such proceeding or hearing.

“(E) Costs of the arbitrator shall be divided evenly between the affected employee and the State and costs of the hearing shall be borne by the State.

Costs of the State under subparagraph (E), and comparable costs of the State under another grievance procedure under paragraph (1)(F)(ii), shall not be considered, for purposes of section 1903(a), costs of administration of the State plan under this title.”

(b) PAYMENT FOR TRAINING AND RETRAINING COSTS.—Section 1903(b) of such Act (42 U.S.C. 1396b(b)) is amended by adding at the end the following new paragraph:

“(4) Federal reimbursement is available under subsection (a)(7) for reasonable expenses associated with training and retraining programs for habilitation facility employees pursuant to section 1927(j)(1)(E).”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 502. USE OF STATE DEVELOPMENTAL DISABILITIES AGENCY IN CERTAIN MEDICAID ADMINISTRATIVE FUNCTIONS.

(a) IN GENERAL.—Section 1902(a)(5) of the Social Security Act (42 U.S.C. 1396a(a)(5)) is amended—

(1) by inserting "(A)" after "except that", and

(2) by inserting before the semicolon at the end the following ", and (B) nothing in this paragraph shall be construed as preventing a State plan from assigning, to a State agency responsible for developmentally disabled individuals, specific management functions under the plan relating to provision of services under the plan to individuals with mental retardation or related condition".

(b) AVAILABILITY OF MATCHING FUNDS.—Section 1903(a) of such Act (42 U.S.C. 1396b(a)) is amended by adding at the end the following:

"Payment shall be made available under paragraph (7) for amounts expended for reasonable administrative expenses of a State agency described in section 1902(a)(5)(B) in carrying out activities described in that section in the same manner as they are available for similar reasonable administrative expenses of the single State agency described in section 1902(a)(5)."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

[From the Omaha World-Herald, May 2, 1989]

NOT ALL RETARDED PEOPLE THRIVE OUT OF INSTITUTIONS

The death of David Bradley last month has helped bring to light a shocking story of how some profoundly retarded people have been cared for in this era of deinstitutionalization. His story demonstrates how the philosophy of getting mentally disabled people out of institutions and into community-based programs has been carried to extremes.

Bradley died at the home of an Omaha woman whom the Eastern Nebraska Community Office on Retardation had hired as a "home teacher" to take care of him and another profoundly retarded young man. The woman faces manslaughter charges in connection with his death.

Bradley, who was 23 when he died, had an IQ of 20 and never weighed more than 75 pounds. He could not speak, feed himself or roll over in bed. He wore diapers. He had cerebral palsy and suffered seizures that couldn't be controlled with medication. His doctor said that sudden death was always a possibility.

For the first seven years of his life, Bradley was cared for at the State Developmental Center, a home for the retarded at Beatrice, Neb. ENCOR officials said he would always need total care.

But he had the misfortune to live at the time of the great crusade to eliminate "warehousing" at institutions for the retarded and mentally ill. In state after state, including Nebraska, judges and legislatures bought into the idea, which was promoted by some lawyers and social workers, that institutional care is suspect while community-based programs are almost inherently good. Instead of spending the rest of his life at Beatrice, Bradley became part of the wave of retarded people who were absorbed in community-based programs.

This is not to suggest that community based programs haven't done a lot to help some retarded people learn to live on their

own, either independently or as part of a sheltered workshop or group home arrangement. The emphasis on self-sufficiency for the trainable is commendable. ENCOR and its employees deserve to be proud of their accomplishments in this area.

But it's hard to see what is gained by deinstitutionalizing people as profoundly retarded and physically disabled as Bradley was. How does it substantially improve their lives to have their beds moved from the protective environment of Beatrice and placed in the home of a "home teacher" who can qualify for the job by being 19 years old, having a diploma and a driver's license and being able to read and communicate?

Surely the round-the-clock staff care that is available in an institution is more suited to the needs of a patient like Bradley than an arrangement with a "home teacher" being on call, in effect, 24 hours a day and receiving only two weekends per month of free time. An ENCOR supervisor said "home teachers" often suffer "burnout." It's not difficult to understand why.

ENCOR officials are considering procedural changes to improve the screening of caregivers and tighten the monitoring of care arrangements. A review of procedures would be a place to start. But it would also be well if, at some appropriately high level of authority, someone would reconsider the deinstitutionalization of people for whom self-sufficiency, or anything resembling it, is out of the question.

[From the Omaha World-Herald, May 8, 1989]

BEATRICE CENTER SERVES NEED

(By Pat Crawford)

Thanks and amen for your perceptive editorial, "Not All Retarded People Thrive Out of Institutions." Parents and members of the Mental Retardation Association of Nebraska have been fighting the deinstitutionalization battle for 17 years.

Certainly David Bradley didn't get the care and treatment that he required and deserved. Medicaid waiver money is available for community based care of the mentally retarded, but with a single overburdened caretaker and few specialized resources at hand, Bradley was shortchanged and so were the taxpayers.

Do you think that any one human being can give adequate care to two profoundly handicapped men plus eight little babies and toddlers as a licensed day-care operator? How could ENCOR consider that an appropriate placement for those two disabled fellows?

In dramatic contrast is the care and training that my profoundly retarded son receives at the Beatrice State Developmental Center because there is a wide variety of very specialized services on that beautiful campus. In addition to a hospital that is approved by the Joint Commission on Accreditation of Hospitals, there are full-time physician assistants, 24-hour nursing services and a dental clinic.

Each resident has routine visits by a nurse who follows up on physician orders and monitors administration of treatments or medication. Religious services are provided at the Chapel of All Faiths. Special education, vocational training, speech and language evaluations and training, developmental training of basic skills, recreation and leisure services, Scouting, dances and games are available.

Transportation service is available for medical services in Lincoln or Omaha when necessary. Specialized tractor-trailers trans-

port the non-ambulatory residents around the campus daily. Vans are utilized for off-campus trips for shopping, eating out, attending fairs, sporting events, picnics and other activities.

It is necessary to understand that a person with mental retardation has an IQ ranging between 0 and 70. That indicates that we need a wide variety of services from supervised apartments and group homes through the gamut to congregate living facilities like the developmental center, Martin Luther Home at Beatrice and Bethpage Mission at Axtell for those folks who need the security of a residential center and comprehensive and intensive services.

It is a bad policy to place severely disabled, non-verbal mentally retarded individuals in somebody's back room with no oversight and no checks and balances. For a single individual to care 24 hours a day for a severely disabled person is extremely taxing and demanding, and that is a compelling reason why my husband and I prefer a large facility for our son where there is a change of shifts every eight hours.

My son, Matt, is 28. He lived at home until he was 14, when we placed him at Beatrice. The cheerful young woman, a direct-care staff person who received him that first day, is still his surrogate mom, still on the first shift, quietly teaching and guiding him.

On a weekday a while back, when visiting Matt, I went to his classroom to observe the activities, hung my coat on a hook and pulled up a chair to sit with the busy residents. After a few minutes, Matt leaned over and gave me a kiss. I thought, "Isn't that sweet, he's so glad to see me." A couple of minutes elapsed and he gave me another kiss. Again I thought, "He must have missed me so."

Next he gave me another kiss, but this time he stood up, got my coat and handed it to me. He has no speech but it was plenty obvious that this was Matt's way of saying, "Bye-bye, Mom, I'm happy here, doing my thing. Come again soon."

What do all the do gooders, deinstitutionalizers and social engineers, who think they know better than I what's good for my disabled son, have to say about that?

[From the Omaha World-Herald, May 2, 1989]

ENCOR LASHED OUT, THEN PROPOSED CHANGES

We would say that ENCOR's actions this week speak much louder than the angry and irresponsible charges that two ENCOR spokesmen have directed at The World-Herald in recent days.

Officials of the agency, whose full name is the Eastern Nebraska Community Office on Retardation, said Monday that they have prepared 16 proposed changes in policy for discussion by the ENCOR governing board. ENCOR Director Don Moray said that all but one of the recommendations came about because of the death of David Bradley April 7.

Bradley's death was the subject of a May 2 World-Herald editorial in which we questioned the wisdom of removing people as severely disabled as Bradley from institutions and placing them in community-based care.

To zealous promoters of deinstitutionalization, it appears, such questions border on heresy.

Moray and Daniel Costello, an ENCOR committee chairman who also heads the Greater Omaha Association for Retarded Citizens, suggested in letters published on

our pages that the May 2 editorial maligned families that have opted to care for retarded relatives at home.

Costello also accused us of overlooking "the fact that David Bradley had been successfully served by ENCOR since 1972." Costello's letter put down institutionalization as "removing a person . . . from the warmth and love of family and friends." (It was just six days after the editorial appeared that Moray announced that 16 policy recommendations would be considered.)

Neither Bradley's death nor our editorial had anything to do with family-based care, or with situations in which people are torn away from loving families and friends.

Bradley, a severely retarded and physically disabled 23-year-old, had no family. His mother gave him up shortly after he was born. He had no known relatives. He spent his life totally dependent on strangers to feed him, change his diapers and turn him in his bed. He died of malnutrition and pneumonia at the home of a paid care-giver who has been charged with manslaughter in connection with his death.

Bradley spent the first seven years of his life at the State Developmental Center at Beatrice, Neb., then lived in a succession of ENCOR residences. At one point, ENCOR tried to give him vocational training—an odd extension of the meaning of "service" for a person who could not give himself basic care, who never uttered a discernible word in his life and who was, in the words of an acquaintance, "on the verge of death at all times."

Bradley spent his final months in the custody of a woman who was paid to watch over him and another profoundly retarded young man—and who, on the side, was providing day care in the same residence for other people's kids.

To express concern about the system under which such an arrangement was possible is the furthest thing from criticizing families that take a major role in the care and training of retarded family members.

Consider the comments of Pat Crawford of Lincoln in her Another Point of View, which we printed Monday. Mrs. Crawford, who has a son at Beatrice, wrote about her son's access to round-the-clock care, to health-care professionals and hospital treatment and to a variety of training programs and religious and social activities. She said: "For a single individual to care 24 hours a day for a severely disabled person is extremely taxing and demanding, and that is a compelling reason why my husband and I prefer a large facility for our son where there is a change of shifts every eight hours."

And consider the comments of Dr. James W. Wengert of the Nebraska Psychiatric Society. Dr. Wengert, in a letter to the Public Pulse, praised the editorial and called on the Legislature "to carefully and skeptically observe" the policies of the State Department of Public Institutions, where, he said, "trendy middle-management . . . continues to push the reckless concept" that institutional care is suspect and community-based programs are almost inherently good.

Dr. Wengert said his concerns applied to the mentally ill as well as to the mentally retarded.

Community-based programs make excellent sense in cases where a degree of self-sufficiency is possible or where a support network of family members and friends is available. For profoundly retarded, bedridden patients who lack a network of

family and friends, however, a well-staff institution offers a level of service that is unlikely ever to be achieved by stockpiling them in the homes of paid care-givers.

[From the Omaha World-Herald, May 13, 1989]

#### INSTITUTIONS ARE NEEDED

Dr. James W. Wengert of the Nebraska Psychiatric Society made a suggestion in a recent Public Pulse letter that we hope state senators take to heart. He called on the Legislature to monitor state policies affecting the use of community-based programs as an alternative to institutional care for people who are profoundly disabled by mental illness or retardation.

Dr. Wengert wrote in response to a World-Herald editorial about the death of David Bradley in a community-based program. The editorial questioned whether someone as profoundly retarded as Bradley, who had an IQ of 20 and who couldn't speak, feed himself, turn over in bed or go to the bathroom by himself, wouldn't receive better care in an institution such as the State Developmental Center at Beatrice.

The editorial drew angry rebuttals from spokesmen for the Eastern Nebraska Community Office on Retardation, which operated the program in which Bradley was enrolled at the time of his death.

But a number of other readers, including Dr. Wengert, brought forth strong arguments for maintaining well-run institutions as part of the safety net for people who can't care for themselves.

Dr. Wengert wrote that "disasters" such as Bradley's death are "only a matter of time now that the chronically mentally ill are being forced out of nursing homes" under a new federal law. He rapped "trendy middle management" in state government that continues to "push the reckless concept" that community-based programs are good and that institutional care is suspect.

Equally strong testimony to the value of a well-run institution came from parents who have opted to have retarded sons or daughters cared for at Beatrice.

Robert Hepburn of Omaha, the father of a 27-year-old daughter at Beatrice, said his daughter appears normal but must be watched constantly during home visits to keep her from wandering into traffic or harming herself in other ways. The campus-like setting at Beatrice is essential for her, he said.

"I have no quarrel with placement of higher-functioning retardees in community-based programs," Hepburn wrote. "For them, the community is the best place to be. But let's not overlook the fact that there are many people for whom an institution is the 'least restrictive' and most humane environment."

Bernice McCord of Lincoln, who has a daughter at Beatrice, wrote: "If every professional who advocates total deinstitutionalization would spend a day . . . in the (Beatrice) unit for people such as David Bradley, they would see the need for both institutions and community programs."

Doris Brown of Lincoln, whose daughter is a resident of the Beatrice facility, wrote about the campaign to empty the institutions and place all disabled people in community programs. "What looked like a good idea to some people 25 years ago," she wrote, "has turned into a nightmare for some of the retarded."

Pat Crawford of Lincoln wrote lovingly of progress she observed in her retarded son at

Beatrice and praised the center for its facilities, staffing and programs.

She said her organization, the Mental Retardation Association of Nebraska, has been "fighting the deinstitutionalization battle for 17 years," believing that the network of programs and facilities for the retarded ought to provide a variety of options, including the option of institutional care at Beatrice.

Institutional care, as the comments of these parents demonstrate, can be a compassionate choice. In the case of David Bradley, it would have been more compassionate than placing him in the home of a woman who was paid to provide round-the-clock care for two profoundly retarded young men—and who also provided day care for other people's children.

Yet the rejection of institutional care is a fact of life in community-based programs. An ENCOR spokesman, commenting after Bradley's death, said there had been no reason to send Bradley to Beatrice, even though he had always needed total care and always would.

Dr. Wengert and the parents who wrote have told a side of the story that the public too seldom hears. Their comments strongly suggest that a legislative review of the consequences of deinstitutionalization is overdue.

#### LETTERS TO THE EDITOR APPEARING IN THE OMAHA WORLD-HERALD

##### SOME NEEDED INSTITUTIONAL CARE

OMAHA.—I am the father of a profoundly retarded 27-year-old girl who lives at the Justice State Developmental Center. Shawn looks pretty normal but has numerous medical problems for which up-and-awake, professional, understanding staff is necessary. We are very satisfied with the care she receives at that (Dare I say it?) institution.

Her mother and I have her home about every other Saturday. It's good for all of us to keep contact with her. But one of us must guard against her leaving the house unescorted. She has no judgment to protect her against wandering into traffic. That's why it's essential that she be in a campus setting at a professional place structured to her complex needs.

Your May 2 editorial ("Not All Retarded People Thrive Out of Institutions") surprised me—pleasantly, I must say. What you said about David Bradley's death spoke from the heart in its straightforward sympathy; it also spoke directly to the question of why he was removed from the institution in the first place. You have my grateful appreciation for publicly raising the question.

I have no quarrel with the placement of higher-functioning retardees in community-based programs. For them, the community is the best place to be. But let's not overlook the fact that there are people for whom an institution is the "least restrictive" and most humane environment.

ROBERT M. HEPBURN.

May 8, 1989.

##### "INSTITUTION" NOT DIRTY WORD

LINCOLN.—I applaud The World Herald for its editorial May, 2 that called attention to the deinstitutionalization movement ("Not All Retarded People Thrive Out of Institutions"). What looked like a good idea to some people 25 years ago has turned into a nightmare for some of the retarded. The tragic death of David Bradley points this up.

How many care homes might there be where conditions echo this tragic one? Caring for a severely retarded person is many times best done in an institution where well-trained staff share care giving.

Let's cut this nonsense about "institutions are bad, community is good." Decisions about placement of the handicapped should be based on the needs of the client, not on an outdated slogan, Institution is not a dirty word.

DORIS BROWN.

May 12, 1986.

#### SAME GOES FOR MENTALLY ILL

OMAHA.—The World-Herald is to be absolutely commended for its May 2 editorial, "Not All Retarded People Thrive Out of Institutions." The same editorial can and should be written about the mentally ill. The same disasters are only a matter of time now that the chronically mentally ill are being forced out of nursing homes under the Federal Nursing Home Reform Act.

The regional centers (state hospitals) do not have enough beds at present to serve either the intermediate or long-time needs of metropolitan Omaha and Lincoln or the acute emergency needs of rural Nebraska. In spite of this, trendy middle management within the Department of Public Institutions continues to push the reckless concept that all "institutional care is suspect while community based programs are almost inherently good," as The World-Herald ably pointed out.

We call upon the Legislature to carefully and skeptically observe the policies of the DPI now and by special committee when the Legislature adjourns. We pledge to continue to provide all technical assistance required by the senators.

JAMES W. WENGERT, M.D.

May 9, 1989.

#### SPEND A DAY AT BEATRICE

LINCOLN.—How refreshing to read the May 2 World-Herald editorial in support of institutions ("Not All Retarded People Thrive Out of Institutions"). As the parent of a severely multihandicapped daughter who is a resident of the Beatrice State Developmental Center (BSDC), where she gets 24-hour-a-day, awake care, I am well aware of the faulty conception that community programs are best for all retarded people.

If every professional who advocates total deinstitutionalization would spend a day at BSDC in the unit for people such as David Bradley, they would see the need for both institutions and community programs.

BERNICE McCORD.

May 10, 1989.

● Mr. DODD, Mr. President, today I am joining Senators EXON, FORD, and STEVENS in introducing the Medicaid Community and Facility Habilitation Amendments of 1989, legislation designed to increase the living and service options for the mentally retarded.

For the past 6 years, Senator CHAFEE has helped focus national attention on the unmet needs of the retarded and I commend him for his efforts. In fact, for two Congresses I have cosponsored his legislation. At the same time, it is no secret that the retarded community has been deeply divided on my colleague's approach. In general, people with retarded children living at home or in the community have supported

it, while those with retarded relatives living in institutions have opposed it. These divisions, as well as questions relating to the cost of the legislation, have combined to prevent the enactment of any significant legislation to address the unmet needs of the retarded.

While Senator CHAFEE has made significant revisions in his bills that I believe make the present legislation far better than the original, I remain concerned about the three issues I first raised in 1987—the lack of quality assurance provisions for institutions, the cap on Medicaid funds for institutions, and the limits on family participation in decisions affecting their retarded children.

Today, I am cosponsoring Senator EXON's legislation because it addresses those issues and because I hope its introduction can be the catalyst in producing a compromise that will benefit all retarded persons. Initially, let me outline how I think the Exon bill addresses my concerns. First, it contains detailed provisions for improving the quality of institutions, as well as for assuring the quality of group homes. These provisions are critical, for the retarded must be assured quality care wherever they live.

Second, the Exon bill removes the bias in Medicaid in favor of institutional funding without capping funds for the institutions. Such an approach will leave it up to the States to determine how best to use the Medicaid funds to meet the needs of the retarded. Such an approach will maximize the opportunities for the retarded by creating a continuum of living options—so that each person or, where appropriate, his or her parents, will be able to choose the best living setting for the individual.

Third, the Exon bill assures that family members will be fully involved in the decisionmaking process concerning the living arrangements for their children. Families that have devoted so much time and love to their children should always have an input in these important decisions.

I would just like to mention one other aspect of this legislation—the requirement that if a State chooses to deinstitutionalize individuals, it must also make sure they have a place to go that will meet their needs. Such a provision is absolutely essential to prevent a reoccurrence of the homeless problems experienced by many of the deinstitutionalized mentally ill.

Mr. President, with the introduction of the Exon legislation—which is similar to the Florio-Waxman-Dingell bill in the House—I believe we now have enough good ideas on the table to craft legislation to take a significant step forward in improving the lives of retarded Americans, as well as their families.

Mr. President, I look forward to being a part of the process that hopefully will take the best of both the Chafee and Exon bills and produce legislation that is beneficial to all retarded persons. ●

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. MOYNIHAN, Mr. D'AMATO, Mr. LAUTENBERG, Mr. GLENN, Mr. PELL, Mr. LEVIN, Mr. INOUE, Mr. BURDICK, Mr. HOLLINGS, Mr. KOHL, Mr. BRADLEY, Mr. MATSUNAGA, Mr. PRYOR, Mr. METZENBAUM, Mr. GORE, Mr. WIRTH, Mr. CRANSTON, Mr. ADAMS, Mr. RIEGLE, Mr. KERRY, Mr. FOWLER, Mr. HEFLIN, Mr. DIXON, Mr. SIMON, Mr. SHELBY, Mr. GRAHAM, Ms. MIKULSKI, Mr. BUMPERS, Mr. BRYAN, Mr. NUNN, Mr. FORD, Mr. ROCKEFELLER, Mr. SIMPSON, Mr. THURMOND, Mr. WILSON, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. WALLOP, Mr. WARNER, Mr. LUGAR, Mr. DURENBERGER, Mr. CONRAD, Mr. DOMENICI, Mr. BOSCHWITZ, Mr. GARN, Mr. CHAFEE, Mr. BURNS, Mr. DOLE, Mr. McCLURE, Mr. HUMPHREY, Mr. KASTEN, Mr. COHEN, Mr. HEINZ, and Mr. GRASSLEY):

S.J. Res. 142. Joint resolution designating the week beginning July 23, 1989, as "Lyme Disease Awareness Week"; to the Committee on the Judiciary.

#### LYME DISEASE AWARENESS WEEK

Mr. LIEBERMAN. Mr. President, today I am introducing legislation to designate the week of July 23, 1989 as Lyme Disease Awareness Week. Lyme disease takes its name from the town—a lovely town—of Lyme, CT, where it was first discovered in 1976. Since that time, this tick-borne disease has actually been found in 43 States. Although more than 14,000 cases have been reported to the Center for Disease Control since 1982, the fact is that few doctors and even fewer members of the general public recognize the symptoms of Lyme disease.

Left untreated, Lyme disease can cause severe arthritis, heart disease, or neurologic complications. Sometimes the joint and neurological damage are irreversible. Lyme disease can be particularly dangerous for pregnant women since it can cause fetal damage, miscarriages, and stillbirths. Existing diagnostic tools are totally insufficient, and, at this time, there is no vaccine against Lyme disease. People who contract the disease often go through years of tests and a variety of treatments before a proper diagnosis is made.

Two former members of the House of Representatives, Ken Gray of Illinois and Berkley Bedell of Iowa, were forced to retire from Congress because

they contracted Lyme disease. Four years since he first contracted the disease, Berkley Bedell currently requires injections of antibiotics for a 4-week period every several months.

Prevention, early detection and early treatment are the keys to warding off the worst effects of Lyme disease. It is critical that people with Lyme disease receive immediate treatment with antibiotics to prevent permanent damage. Prevention and early diagnosis depend upon public awareness. We need to ensure that Americans learn what precautions they can take and how to recognize the early symptoms of Lyme disease, and that is why I am introducing this legislation. I believe Lyme Disease Awareness Week will play an important role in bringing this devastating disease to the attention of the American people.

Mr. President, I ask unanimous consent that the full text of 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. 142

Whereas Lyme disease is spread by the tick species *Ixodes Dammini* by means of the bacterium *Burrelia Burgdorferi*;

Whereas these ticks are no larger than the head of a pin;

Whereas these ticks can be carried by domestic animals such as cats, dogs, and horses;

Whereas these ticks can be transferred from domestic animals to humans;

Whereas Lyme disease was first diagnosed in southeastern Connecticut and has spread to 43 States;

Whereas the Center for Disease Control has reported 14,000 cases of Lyme disease since 1982;

Whereas Lyme disease is easily treated in its early stages by an oral vaccine administered by a physician (penicillin and erythromycin for young children and tetracycline for persons allergic to penicillin);

Whereas the early symptoms of Lyme disease are a rash, mild headaches, a slight fever, and swollen glands;

Whereas Lyme disease often mocks rheumatoid arthritis and heart disease;

Whereas if left untreated, Lyme disease can cause severe depression, brain disorders, and even death;

Whereas the best cure for Lyme disease is prevention;

Whereas prevention of Lyme disease depends upon public awareness; and

Whereas education is essential to making the general public and health care professionals more knowledgeable of Lyme disease and its debilitating side effects; 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 July 23, 1989, is designated as "Lyme Disease Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

By Mr. HUMPHREY (for himself, Mr. GRASSLEY, Mr. DOMEN-

ICI, Mr. GARN, Mr. PRESSLER, Mr. THURMOND, Mr. ARMSTRONG, Mr. HELMS, Mr. CHAFFEE, Mr. DOLE, Mr. BOSCHWITZ, Mr. D'AMATO, Mr. COATS, Mr. GORTON, Mr. SYMMS, Mr. COHEN, Mr. DANFORTH, Mr. HEINZ, Mr. MURKOWSKI, Mr. McCLURE, Mr. BOND, Mr. WILSON, Mr. HATCH, Mr. WARNER, Mr. COCHRAN, Mr. GRAMM, Mr. SIMPSON, Mr. BENTSEN, Mr. DeCONCINI, Mr. RIEGLE, Mr. GORE, Mr. REID, Mr. BURDICK, Mr. SHELBY, Mr. SIMON, Mr. FOWLER, Mr. ROBB, Mr. MATSUNAGA, Mr. HOLLINGS, Mr. PRYOR, Mr. LIEBERMAN, Mr. PELL, Mr. MITCHELL, Mr. LEVIN, Mr. ROCKEFELLER, Mr. ADAMS, Mr. BOREN, Mr. DODD, Mr. HEFLIN, Mr. BRADLEY, and Mr. METZENBAUM):

S.J. Res. 143. Joint resolution to designate the week of December 10, through December 16, 1989, as "National Drunk and Drugged Driving Awareness Week"; to the Committee on the Judiciary.

NATIONAL DRUNK AND DRUGGED DRIVING AWARENESS WEEK

Mr. HUMPHREY. Mr. President, for the seventh consecutive year I am pleased to introduce legislation designating the week between Christmas and New Year's as "National Drunk and Drugged Driving Awareness Week". Fifty Senators are original co-sponsors of this year's joint resolution.

In the past, this commemorative week has proven enormously successful in increasing public awareness of the dangers of driving while impaired by drugs and alcohol.

Hundreds of volunteers throughout the Nation have participated in the programs and activities of National Drunk and Drugged Driving Awareness Week. Activities during the week have included the issuance of parallel proclamations by many Governors, mayors, and local officials; introduction of new drunk driving legislation in various States; the appointment of task forces, and issuance of task force reports; roadblocks and other increased enforcement efforts; candle-light vigils; a "speak out for safety" campaign; and voluntary efforts to provide rides from holiday parties. All of the groups involved in this effort have asked that once again we designate such a week right before the holidays this year.

In large part due to the volunteer efforts of citizens organizations such as Mothers Against Drunk Drivers [MADD], Students Against Driving Drunk [SADD], and Remove Intoxicated Drivers [RID], there has been a great change in the Nation's attitude toward drunk driving. It is important that we press forward with efforts to develop new and creative approaches, by combining the expertise of govern-

ment, community groups, and voluntary organizations, and bringing the unique talents of each to bear on this devastating national problem.

By again designating a National Drunk and Drugged Driving Awareness Week, we will help ensure that we do not forget the enormous costs in human suffering and dollars caused by the deadly combination of alcohol, drugs, and driving.

Mr. President, I ask unanimous consent that the text of 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. 143

Whereas, traffic accidents cause more violent deaths in the United States than any other cause, approximately 46,000 in 1986;

Whereas traffic accidents cause thousands of serious injuries in the United States each year;

Whereas close to 50 per centum of all drivers killed in single vehicle collisions and over 38.7 per centum of all drivers fatally injured in 1986 had blood alcohol concentrations above the legal limit of .10;

Whereas the United States Surgeon General has reported that life expectancy has risen for every age group over the past 75 years except for Americans 15 to 24 years old, whose death rate, the leading cause of which is drunk driving, is higher now than it was 20 years ago;

Whereas the total societal cost of drinking has been estimated at more than \$26,000,000,000 per year, which does not include human suffering that can never be measured;

Whereas there are increasing reports of driving after drug use and accidents involving drivers who have used marijuana or other illegal drugs;

Whereas driving after the use of therapeutic drugs, either alone or in combination with alcohol, contrary to the advice of physician, pharmacist, or manufacturer, may create a safety hazard on the roads;

Whereas more research is needed on the effect of drugs either alone or in combination with alcohol, on driving ability and the incidence of traffic accidents;

Whereas an increased public awareness of the gravity of the problem of drugged driving may warn drug users to refrain from driving and may stimulate interest in increasing necessary research on the effect of drugs on driving ability and the incidence of traffic accidents;

Whereas the public, particularly through the work of citizens groups, is demanding a solution to the problem of drunk and drugged driving;

Whereas the Presidential Commission on Drunk Driving, appointed to heighten public awareness and stimulate the pursuit of solutions, provided vital recommendations for remedies for the problem of drunk driving;

Whereas the National Commission Against Drunk Driving was established to assist State and local governments and the private sector to implement these recommendations;

Whereas most States have appointed task forces to examine existing drunk driving programs and make recommendations for a renewed, comprehensive approach, and in many cases, their recommendations are

leading to enactment of new laws, along with strict enforcement;

Whereas the best defense against the drunk or drugged driver is the use of safety belts and consistent safety belt usage by all drivers and passengers would save as many as 10,000 lives each year;

Whereas an increase in the public awareness of the problem of drunk and drugged driving may contribute to a change in society's attitude toward the drunk or drugged driver and help sustain current efforts to develop comprehensive solutions at the State and local levels;

Whereas the Christmas and New Year holiday period, with more drivers on the roads and an increased number of social functions, is a particularly appropriate time to focus national attention on this critical problem;

Whereas designation of National Drunk and Drugged Driving Awareness Week in each of the last 7 years stimulated many activities and programs by groups in both the private and public sectors aimed at curbing drunk and drugged driving in the high-risk Christmas and New Year holiday period and thereafter;

Whereas the activities and programs during National Drunk and Drugged Driving Awareness Week have heightened the awareness of the American public to the danger of drunk and drugged driving: 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 December 10, 1989, through December 16, 1989, is designated as "National Drunk and Drugged Driving Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate activities.

By Mr. HATCH (for himself, Mr. DECONCINI, Mr. THURMOND, Mr. GRASSLEY, Mr. HEFLIN, Mr. DIXON, Mr. MURKOWSKI, Mr. SYMMS, Mrs. KASSEBAUM, Mr. LOTT, and Mr. COATS):

S.J. Res. 144. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary silent prayer or reflection; to the Committee on the Judiciary.

RELATING TO VOLUNTARY SILENT PRAYER

● Mr. HATCH. Mr. President, today I am introducing a proposed constitutional amendment to permit individual or group silent prayer or reflection in public schools. The proposed amendment reads, in its entirety:

Nothing in this Constitution shall be construed to prohibit individual or group silent prayer or reflection in public schools. Neither the United States nor any State shall require any person to participate in such prayer reflection, nor shall they encourage any particular form of silent prayer or reflection.

The first amendment protects religious liberty and for most of our history, the right of our youngsters to have time for a voluntary vocal prayer in public schools was well-established. I believe such a right is protected by our Constitution, as amended, as its framers wrote it. The Supreme Court, however, has ruled otherwise. E.g., *Engel v.*

*Vitale*, 370 U.S. 421 (1962); *Abington School District v. Schempp*, 374 U.S. 203 (1963). Mr. President, I do not intend today to engage in an analysis of the Constitution's original meaning in this area, or of Supreme Court decisions regarding school prayer. I will take that up on another occasion.

I do note that in the past, when the Senate has considered constitutional amendments permitting voluntary vocal school prayer, some Senators have expressed concern that those children who do not feel they can share in the prayer will feel ostracized. Putting aside the merits of that concern, I believe the amendment I am proposing today completely removes any basis for that objection.

Under the amendment, a State may permit its public schools to allow children to have time to pray or reflect in silence. The children are free to engage in silent prayer or reflection or to refrain from doing so. No child can be forced to do so under the amendment. Moreover, neither the Federal Government nor any State may "encourage any particular form of silent prayer or reflection."

Unfortunately, any State moment-of-silence statute which expressly permits voluntary silent prayer or is even regarded as motivated by a desire to permit such silent prayer is likely, and regrettably, to run afoul of the Supreme Court's decision in *Wallace v. Jaffree*, 472 U.S. 38 (1985). Hence, this amendment is vitally necessary to assure that courts will not strike down moment-of-silence statutes.

Mr. President, we are a religious people. I believe permitting States to allow their public school children a voluntary opportunity to pray or reflect in silence is both reasonable and desirable. I hope we can send this amendment to the States in this Congress. Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD immediately following my remarks.

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

S.J. RES. 144

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"ARTICLE —

"Nothing in this Constitution shall be construed to prohibit individual or group silent prayer or reflection in public schools. Neither the United States nor any State shall require any person to participate in such prayer or reflection, nor shall they encourage any particular form of silent prayer or reflection."●

● Mr. THURMOND. Mr. President, I rise today as an original cosponsor of this constitutional amendment which would permit the exercise of voluntary silent prayer in our public schools.

On the first legislative day of the 101st Congress, I once again introduced a proposed constitutional amendment to allow vocal prayer in our public schools. This is the same proposal which was earlier voted out of the Judiciary Committee and fell 11 votes short of the necessary two-thirds for final passage.

While I personally favor a constitutional amendment to allow voluntary vocal prayer, this amendment offered by the distinguished Senator from Utah, Senator HATCH, is also a desirable approach to accomplish positive action in this area.

We have witnessed over the past 30 years in a series of Supreme Court decisions the erosion of the right to practice voluntary classroom prayer. The Supreme Court has said that such prayer is in violation of the first amendment. I believe that these decisions clearly depart from the intent of the drafters of the first amendment, as well as the understanding given it for the first 175 years of our Nation's history.

As Members of the Senate are aware, on June 4, 1985, in *Wallace versus Jaffree*, the Supreme Court extended its interpretation of the first amendment to rule unconstitutional an Alabama statute which merely provided for a period of silence of no more than 1 minute for meditation or voluntary prayer.

This decision dealt a significant blow to our freedom of religion and opportunities to convey the importance of spiritual development to our Nation's young people.

The negative impact of the *Jaffree* decision makes proposed constitutional amendments to allow voluntary prayer in our public schools timely and necessary to reaffirm our Nation's commitment to divine guidance. The Federal Government should accommodate the religious needs of our citizens—passage of this proposed amendment will go a long way to ensure that the freedom of religion is a liberty we can fully enjoy throughout America.●

By Mr. REID:

S.J. Res. 145. Joint resolution designating June 12 to June 19, 1989, as "Old Cars Week"; to the Committee on the Judiciary.

"OLD CARS WEEK"

Mr. REID. Mr. President, today it is my privilege to introduce a resolution to designate June 12 to June 19, 1989, as "Old Cars Week." Let us honor those who preserve our history and culture by engaging in the hobby of collecting, restoring, and maintaining

motor vehicles of historic and special interest.

The story of the automobile is one of the most important and fascinating chapters in the history of transportation. It has become a symbol of the American way of life. We mark our passages by the car we owned at the time of marriage or the birth of a child or a promotion in a job. We have vacationed in our cars, commuted to work or to school in them, raced them, displayed them, restored them, and collected them. We have our own particular memories of a specific car or perhaps of several.

The automobile is a reflection of the American dream. It embodies independence, mobility, hard work, and achievement. It has transformed us from an agrarian to an industrial age. It has moved our population into concentrated centers of production; it has encouraged our consumerist behavior; and it has contributed to the prosperity of all Americans.

Mr. President, what we are as a nation, we are in large measure because of the car. It is time that we celebrate the automobile and in so doing, celebrate and important aspect of American culture and history.

I urge my colleagues to support swift passage of the resolution.

#### ADDITIONAL COSPONSORS

S. 34

At the request of Mr. HUMPHREY, the name of the Senator from Mississippi [Mr. LOTT] 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. 54

At the request of Mr. METZENBAUM, the name of the Senator from South Carolina [Mr. HOLLINGS] 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. 116

At the request of Ms. MIKULSKI, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. PELL], the Senator from Alabama [Mr. SHELBY], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 116, a bill to amend title XVIII of the Social Security Act to increase the independence of psychologists with respect to services furnished at a comprehensive outpatient rehabilitation facility.

S. 135

At the request of Mr. STEVENS, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor 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. 172

At the request of Mr. PRESSLER, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 172, a bill to amend the Soil Conservation and Domestic Allotment Act to extend the date for entering into contracts under the Great Plains Conservation Program.

S. 190

At the request of Mr. MATSUNAGA, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 190, a bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive compensation concurrently with retired pay without reduction in the amount of the compensation and retired pay.

S. 223

At the request of Mr. MOYNIHAN, the names of the Senator from Vermont [Mr. JEFFORDS], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 223, a bill to establish a grant program for research, treatment and public education with respect to Lyme disease.

S. 231

At the request of Mr. MOYNIHAN, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors 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. 232

At the request of Mr. MOYNIHAN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 232, a bill to establish the American Conservation Corps, and for other purposes.

S. 243

At the request of Mr. McCLURE, the names of the Senator from Oregon [Mr. HATFIELD], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 243, a bill to provide for the extension of regional referral center classification of certain hospitals under the medicare program and

to continue the payment rates for such hospitals.

S. 269

At the request of Mr. RIEGLE, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 269, a bill to prohibit the disposal of solid waste in any State other than the State in which the waste was generated.

S. 335

At the request of Mr. McCAIN, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor 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. 342

At the request of Mr. DANFORTH, the name of the Senator from Hawaii [Mr. INOUE] 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 Oklahoma [Mr. NICKLES], the Senator from Idaho [Mr. SYMMS], and the Senator from Louisiana [Mr. BREAU] 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. 419

At the request of Mr. SIMON, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 419, a bill to provide for the collection of data about crimes motivated by race, religion, ethnicity, or sexual orientation.

S. 432

At the request of Mr. ROCKEFELLER, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 432, a bill to direct the Secretary of Transportation to identify scenic and historic roads and to develop methods of designating, promoting, protecting, and enhancing roads as scenic and historic roads.

S. 435

At the request of Mr. REID, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 435, a bill to amend section 118 of the Internal Revenue Code to provide for certain exceptions from certain rules determining contributions in aid of construction.

S. 448

At the request of Mr. SIMON, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 448, a bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States.

S. 454

At the request of Mr. ROCKEFELLER, the names of the Senator from Kentucky [Mr. McCONNELL], the Senator from Tennessee [Mr. SASSER], the Senator from Mississippi [Mr. COCHRAN], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 454, a bill to provide additional funding for the Appalachian development highway system.

S. 461

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 461, a bill to amend title XVIII of the Social Security Act to permit payment for services of physician assistants outside institutional settings.

S. 503

At the request of Mr. BAUCUS, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 503, a bill to protect the ozone layer by reducing chlorofluorocarbons and halons, and for other purposes.

S. 537

At the request of Mr. RIEGLE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 537, a bill to require that any calculation of the Federal deficit made as a part of the Federal budget process include a calculation of the Federal deficit minus the Social Security reserves.

S. 570

At the request of Mr. DANFORTH, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 570, a bill to amend the Internal Revenue Code of 1986 to enhance the incentive for increasing research activities.

S. 593

At the request of Mr. HELMS, his name was added as a cosponsor of S. 593, a bill to exempt certain activities from provisions of the antitrust laws.

At the request of Mr. SIMON, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 593, *supra*.

S. 618

At the request of Mr. SARBANES, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 618, a bill to authorize

the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 625

At the request of Mr. NICKLES, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 625, a bill to eliminate artificial distortions in the natural gas marketplace, to promote competition in the natural gas industry, and for other purposes.

S. 635

At the request of Mr. McCLURE, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 635, a bill to prevent the unintended licensing of federally non-jurisdictional pre-1935 unlicensed hydroelectric projects.

S. 640

At the request of Mrs. KASSEBAUM, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 640, a bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

S. 643

At the request of Mr. CONRAD, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 643, a bill to amend the Internal Revenue Code of 1986 to allow an individual a credit against income tax for certain expenditures for the purpose of reducing radon levels in the principal residence of the individual, and for other purposes.

S. 771

At the request of Mr. REID, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 771, a bill to amend the Internal Revenue Code of 1986 to disallow deductions for costs in connection with oil and hazardous substances cleanup unless the requirements of all applicable Federal laws concerning such cleanup are met, and for other purposes.

S. 814

At the request of Mr. DOMENICI, the names of the Senator from North Carolina [Mr. SANFORD], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of S. 814, a bill to provide for the minting and circulation of one dollar coins, and for other purposes.

S. 828

At the request of Mr. DOMENICI, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 828, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the removal of crude oil and natural gas through enhanced oil recovery techniques so as to add as much as 10 billion barrels to the United States re-

serve base, to extend the production of certain stripper oil and gas wells, and for other purposes.

S. 843

At the request of Mr. ROCKEFELLER, the names of the Senator from Hawaii [Mr. INOUE], the Senator from Mississippi [Mr. LOTT], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 843, a bill to establish a program of awards by the National Science Foundation for undergraduate students who are willing to commit themselves to teach elementary or secondary mathematics or science for a specified period of time.

S. 849

At the request of Mr. DASCHLE, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 849, a bill to repeal section 2036(c) of the Internal Revenue Code of 1986, relating to valuation freezes.

S. 851

At the request of Mr. BOSCHWITZ, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 851, a bill to promote the development of small business in rural areas.

S. 859

At the request of Mr. WILSON, the names of the Senator from Pennsylvania [Mr. HEINZ], the Senator from Arkansas [Mr. PRYOR], the Senator from Alaska [Mr. STEVENS], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 859, a bill to amend title XVIII of the Social Security Act to establish a drug utilization review system to prevent adverse drug reactions, and for other purposes.

S. 875

At the request of Mr. LEAHY, the names of the Senator from Kentucky [Mr. FORD], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Arizona [Mr. DECONCINI], the Senator from Nebraska [Mr. EXON], the Senator from Maryland [Mr. SARBANES], the Senator from Illinois [Mr. SIMON], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Iowa [Mr. GRASSLEY], the Senator from Kentucky [Mr. McCONNELL], the Senator from Massachusetts [Mr. KERRY], the Senator from New York [Mr. D'AMATO], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Pennsylvania [Mr. SPENCER], the Senator from Nevada [Mr. BRYAN], the Senator from Indiana [Mr. COATS], the Senator from South Dakota [Mr. PRESSLER], the Senator from Delaware [Mr. ROTH], the Senator from Washington [Mr. GORTON], the Senator from Florida [Mr. GRAHAM], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 875, a bill to prohibit United States contributions to the United Nations or any of its affiliated organiza-

tions if full membership as a State is granted to any organization or group that does not have the internationally recognized attributes of statehood.

S. 892

At the request of Mr. MOYNIHAN, the names of the Senator from Illinois [Mr. SIMON], the Senator from Alaska [Mr. STEVENS], the Senator from Nevada [Mr. REID], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Nebraska [Mr. KERREY], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 892, a bill to exclude agent orange settlement payments from countable income and resources under Federal means-tested programs.

S. 933

At the request of Mr. HARKIN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 933, a bill to establish a clear and comprehensive prohibition of discrimination on the basis of disability.

S. 948

At the request of Mr. GORTON, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 948, a bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into two circuits, and for other purposes.

S. 963

At the request of Mr. DOMENICI, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 963, a bill to authorize a study on methods to commemorate the nationally significant highway known as Route 66, and for other purposes.

S. 969

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 969, a bill to establish the President's Award for Addiction Research.

S. 980

At the request of Mr. MITCHELL, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Ohio [Mr. GLENN], the Senator from Virginia [Mr. ROBB], the Senator from Virginia [Mr. WARNER], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 980, a bill to amend the Internal Revenue Code of 1986 to improve the effectiveness of the low-income housing credit.

S. 997

At the request of Mr. MITCHELL, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 997, a bill to amend title XVIII of the Social Security Act to provide for eligibility for home health services on the basis of a need for occupational therapy.

S. 999

At the request of Mr. HOLLINGS, the name of the Senator from Arizona [Mr. DeCONCINI] was added as a cosponsor of S. 999, a bill to amend the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office, and for other purposes.

S. 1001

At the request of Mr. GORE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1001, a bill to establish policies and procedures necessary to develop, as a domestically based industry in the United States, a high definition television enterprise in the United States, together with ancillary products and services.

S. 1008

At the request of Mr. CONRAD, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1008, a bill to promote the growth and economic diversification of, and to increase business and employment opportunities in rural America, and for other purposes.

S. 1036

At the request of Mr. LEAHY, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 1036, a bill to improve the economic, community, and educational well-being of rural America, and for other purposes.

S. 1040

At the request of Mr. WILSON, the names of the Senator from Florida [Mr. MACK], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 1040, a bill to require the Secretary of Defense to establish an Anti-Drug Task Force.

S. 1052

At the request of Mr. KERRY, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 1052, a bill to regulate equipment for servicing motor vehicle air conditioners, to restrict the sale of chlorofluorocarbons and motor vehicles with air conditioners that use chlorofluorocarbons, to require reports on the use of chemicals which deplete the ozone layer in the stratosphere, and for other purposes.

S. 1067

At the request of Mr. GORE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1067, a bill to provide for a coordinated Federal research program to ensure continued United States leadership in high-performance computing.

S. 1073

At the request of Mr. STEVENS, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 1073, a bill to amend chapter 83 of

title 5, United States Code, to provide civil service retirement credit for service performed under the Railroad Retirement Act, and for other purposes.

SENATE JOINT RESOLUTION 15

At the request of Mr. PRESSLER, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Wisconsin [Mr. KOHL], the Senator from North Dakota [Mr. BURDICK], the Senator from Mississippi [Mr. COCHRAN], the Senator from Virginia [Mr. ROBB], the Senator from Utah [Mr. GARN], the Senator from Alabama [Mr. SHELBY], the Senator from South Dakota [Mr. DASCHLE], the Senator from Hawaii [Mr. INOUE], the Senator from Indiana [Mr. LUGAR], the Senator from Wisconsin [Mr. KASTEN], the Senator from Delaware [Mr. BIDEN], the Senator from Nevada [Mr. REID], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Joint Resolution 15, a joint resolution to designate the second Sunday in October of 1989 as "National Children's Day."

SENATE JOINT RESOLUTION 16

At the request of Mr. PRESSLER, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New York [Mr. D'AMATO], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. GLENN], the Senator from Florida [Mr. MACK], the Senator from Idaho [Mr. McCLURE], the Senator from Maine [Mr. MITCHELL], the Senator from New York [Mr. MOYNIHAN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Rhode Island [Mr. PELL], the Senator from Virginia [Mr. ROBB], the Senator from Wyoming [Mr. SIMPSON], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 16, a joint resolution designating the month of November 1989 as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 47

At the request of Mr. PRESSLER, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Joint Resolution 47, a joint resolution to recognize the 75th anniversary of the Smith-Lever Act of May 8, 1914, and its role in establishing our Nation's system of State Cooperative Extension Services.

SENATE JOINT RESOLUTION 55

At the request of Mr. SIMON, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Maryland [Ms. MIKULSKI] 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 71

At the request of Mr. HELMS, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of Senate Joint Resolution 71, a joint resolution designating April 16 through 22, 1989, as "National Ceramic Tile Industry Recognition Week."

## SENATE JOINT RESOLUTION 73

At the request of Mr. BOSCHWITZ, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Tennessee [Mr. GORE], the Senator from Texas [Mr. BENTSEN], the Senator from Ohio [Mr. GLENN], the Senator from Colorado [Mr. ARMSTRONG], the Senator from South Dakota [Mr. PRESSLER], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from New Jersey [Mr. BRADLEY], the Senator from Illinois [Mr. SIMON], the Senator from Utah [Mr. GARN], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution 73, a joint resolution to designate the week beginning October 29, 1989, as "Gaucher's Disease Awareness Week."

## SENATE JOINT RESOLUTION 76

At the request of Mr. HELMS, the names of the Senator from New York [Mr. D'AMATO], the Senator from Washington [Mr. GORTON], the Senator from Louisiana [Mr. BREAUX], the Senator from Maine [Mr. COHEN], the Senator from Kentucky [Mr. FORD], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of Senate Joint Resolution 76, a joint resolution to designate the period commencing on June 21, 1989, and ending on June 28, 1989, as "Food Science and Technology Week."

## SENATE JOINT RESOLUTION 85

At the request of Mr. ARMSTRONG, the names of the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Kentucky [Mr. MCCONNELL], the Senator from California [Mr. CRANSTON], the Senator from Connecticut [Mr. DODD], the Senator from Virginia [Mr. ROBB], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Maine [Mr. MITCHELL], the Senator from Texas [Mr. BENTSEN], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of Senate Joint Resolution 85, a joint resolution to designate the week of July 24-30, 1989, as the "National Week of Recognition and Remembrance of Those Who Served in the Korean War."

## SENATE JOINT RESOLUTION 86

At the request of Mr. RIEGLE, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from New York [Mr. D'AMATO], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 86, a joint res-

olution designating November 17, 1989, as "National Philanthropy Day."

## SENATE JOINT RESOLUTION 94

At the request of Mr. BOREN, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of Senate Joint Resolution 94, a joint resolution to designate the week of June 4, 1989 through June 10, 1989, as "National Intelligence Community Week."

## SENATE JOINT RESOLUTION 95

At the request of Mr. McCLURE, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from South Dakota [Mr. PRESSLER], the Senator from Washington [Mr. GORTON], the Senator from Wisconsin [Mr. KASTEN], the Senator from Georgia [Mr. NUNN], the Senator from Louisiana [Mr. BREAUX], the Senator from Virginia [Mr. ROBB], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Indiana [Mr. LUGAR], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 95, a joint resolution to designate the week of September 10, 1989, through September 16, 1989, as "National Check-Up Week."

## SENATE JOINT RESOLUTION 96

At the request of Mr. LAUTENBERG, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Tennessee [Mr. GORE], the Senator from Wisconsin [Mr. KOHL], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Oregon [Mr. PACKWOOD], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from California [Mr. WILSON], the Senator from Michigan [Mr. LEVIN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Arkansas [Mr. PRYOR], the Senator from Georgia [Mr. NUNN], the Senator from Utah [Mr. GARN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Illinois [Mr. SIMON], the Senator from Massachusetts [Mr. KERRY], the Senator from Colorado [Mr. WIRTH], the Senator from Kansas [Mr. DOLE], the Senator from Idaho [Mr. McCLURE], the Senator from North Dakota [Mr. BURDICK], the Senator from North Dakota [Mr. CONRAD], the Senator from Louisiana [Mr. JOHNSTON], the Senator from New York [Mr. MOYNIHAN], the Senator from Rhode Island [Mr. PELL], the Senator from Nevada [Mr. REID], the Senator from Indiana [Mr. COATS], the Senator from Delaware [Mr. ROTH], the Senator from Alabama [Mr. SHELBY], the Senator from Idaho [Mr. SYMMS], the Senator from Maryland [Mr. SARBANES], the Senator from Ohio [Mr. METZENBAUM], the Senator from Wisconsin [Mr. KASTEN], the Senator from Virginia [Mr. ROBB], the Senator from New York [Mr. D'AMATO], the Senator from Pennsyl-

vania [Mr. SPECTER], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Florida [Mr. MACK], the Senator from Virginia [Mr. WARNER], the Senator from Oregon [Mr. HATFIELD], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Michigan [Mr. RIEGLE], the Senator from Indiana [Mr. LUGAR], the Senator from Texas [Mr. BENTSEN], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Georgia [Mr. FOWLER], the Senator from Alabama [Mr. HEFLIN], the Senator from Illinois [Mr. DIXON], the Senator from Oklahoma [Mr. BOREN], the Senator from Connecticut [Mr. DODD], the Senator from California [Mr. CRANSTON], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 96, a joint resolution designating July 2, 1989, as "National Literacy Day."

## SENATE JOINT RESOLUTION 104

At the request of Mr. DOLE, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of Senate Joint Resolution 104, a joint resolution to express the sense of the Congress with respect to the health of the Nation's children.

## SENATE JOINT RESOLUTION 108

At the request of Mr. HEFLIN, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Rhode Island [Mr. PELL], the Senator from Alabama [Mr. SHELBY], the Senator from Maryland [Mr. SARBANES], the Senator from Connecticut [Mr. DODD], the Senator from Delaware [Mr. BIDEN], the Senator from Maine [Mr. MITCHELL], the Senator from Hawaii [Mr. INOUE], the Senator from Virginia [Mr. ROBB], the Senator from Oklahoma [Mr. BOREN], the Senator from Texas [Mr. BENTSEN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Michigan [Mr. LEVIN], the Senator from North Dakota [Mr. BURDICK], the Senator from North Dakota [Mr. CONRAD], the Senator from Ohio [Mr. METZENBAUM], the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], the Senator from Ohio [Mr. GLENN], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Michigan [Mr. RIEGLE], the Senator from Arkansas [Mr. BUMPERS], the Senator from Washington [Mr. ADAMS], the Senator from Georgia [Mr. FOWLER], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from California [Mr. WILSON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Rhode Island [Mr. CHAFEE],

the Senator from Indiana [Mr. LUGAR], the Senator from Kansas [Mr. DOLE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Alaska [Mr. STEVENS], the Senator from Utah [Mr. GARN], the Senator from Wisconsin [Mr. KASTEN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New York [Mr. D'AMATO], the Senator from Florida [Mr. MACK], the Senator from North Carolina [Mr. HELMS], the Senator from Missouri [Mr. BOND], the Senator from Idaho [Mr. McCLURE], the Senator from South Carolina [Mr. THURMOND], the Senator from Indiana [Mr. COATS], the Senator from Montana [Mr. BURNS], the Senator from Wyoming [Mr. SIMPSON], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 108, a joint resolution designating October 3, 1989, as "National Teacher Appreciation Day."

## SENATE JOINT RESOLUTION 109

At the request of Mr. THURMOND, the names of the Senator from Colorado [Mr. ARMSTRONG], the Senator from Texas [Mr. BENTSEN], the Senator from Delaware [Mr. BIDEN], the Senator from Indiana [Mr. COATS], the Senator from California [Mr. CRANSTON], the Senator from Missouri [Mr. DANFORTH], the Senator from Illinois [Mr. DIXON], the Senator from Tennessee [Mr. GORE], the Senator from Texas [Mr. GRAMM], the Senator from Utah [Mr. HATCH], the Senator from Pennsylvania [Mr. HEINZ], the Senator from North Carolina [Mr. HELMS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from Mississippi [Mr. LOTT], the Senator from Maine [Mr. MITCHELL], the Senator from Delaware [Mr. ROTH], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 109, a joint resolution to designate the period commencing September 11, 1989, and ending on September 15, 1989, as "National Historically Black Colleges Week."

## SENATE JOINT RESOLUTION 110

At the request of Mr. SIMON, the names of the Senator from Hawaii [Mr. INOUE], the Senator from Nebraska [Mr. EXON], the Senator from Tennessee [Mr. GORE], the Senator from Louisiana [Mr. BREAUX], the Senator from Massachusetts [Mr. KERRY], the Senator from North Carolina [Mr. HELMS], the Senator from Texas [Mr. GRAMM], the Senator from Utah [Mr. GARN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from North Carolina [Mr. SANFORD], the Senator from North Dakota [Mr. BURDICK], the Senator from South Carolina [Mr. HOLLINGS], the

Senator from Nevada [Mr. REID], the Senator from New Mexico [Mr. DOMENICI], the Senator from Colorado [Mr. ARMSTRONG], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Georgia [Mr. FOWLER], the Senator from Florida [Mr. GRAHAM], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Joint Resolution 110, a joint resolution designating October 5, 1989, as "Raoul Wallenberg Day."

## SENATE JOINT RESOLUTION 112

At the request of Mr. GRASSLEY, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of Senate Joint Resolution 112, a joint resolution designating May 29, 1989, as the "National Day of Remembrance for the Victims of the U.S.S. *Iowa*."

## SENATE JOINT RESOLUTION 124

At the request of Mr. GORTON, the names of the Senator from Delaware [Mr. ROTH], the Senator from South Carolina [Mr. THURMOND], the Senator from Idaho [Mr. McCLURE], the Senator from Tennessee [Mr. GORE], the Senator from Ohio [Mr. METZENBAUM], the Senator from North Dakota [Mr. BURDICK], the Senator from New York [Mr. D'AMATO], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Illinois [Mr. DIXON], the Senator from Kansas [Mr. DOLE], the Senator from Michigan [Mr. LEVIN], the Senator from Georgia [Mr. NUNN], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. ROBB], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Illinois [Mr. SIMON], the Senator from Colorado [Mr. WIRTH], the Senator from Nebraska [Mr. EXON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Rhode Island [Mr. PELL], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Arkansas [Mr. PRYOR], the Senator from Vermont [Mr. JEFFORDS], the Senator from Washington [Mr. ADAMS], the Senator from Maine [Mr. COHEN], the Senator from Idaho [Mr. SYMMS], the Senator from Utah [Mr. GARN], the Senator from Hawaii [Mr. INOUE], the Senator from Ohio [Mr. GLENN], the Senator from Alabama [Mr. HEFLIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Connecticut [Mr. DODD], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Alaska [Mr. STEVENS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Utah [Mr. HATCH], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 124, a joint resolution to designate October as "National Quality Month."

## SENATE JOINT RESOLUTION 126

At the request of Mr. PELL, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 126, a joint resolution commemorating the bicentennial of the U.S. Coast Guard.

## SENATE JOINT RESOLUTION 127

At the request of Mr. SIMON, the names of the Senator from Illinois [Mr. DIXON], the Senator from Alabama [Mr. SHELBY], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Missouri [Mr. DANFORTH], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. DECONCINI], the Senator from North Dakota [Mr. CONRAD], the Senator from Kansas [Mr. DOLE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Ohio [Mr. METZENBAUM], the Senator from Virginia [Mr. ROBB], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 127, a joint resolution designating Labor Day Weekend, September 2-4, 1989, as "National Drive for Life Weekend."

## SENATE JOINT RESOLUTION 129

At the request of Mr. DOLE, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Tennessee [Mr. GORE], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Missouri [Mr. BOND], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of Senate Joint Resolution 129, a joint resolution to provide for the designation of September 15, 1989, as "National POW/MIA Recognition Day."

## SENATE JOINT RESOLUTION 130

At the request of Mr. SARBANES, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Virginia [Mr. WARNER], the Senator from Missouri [Mr. BOND], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from New York [Mr. MOYNIHAN], the Senator from Mississippi [Mr. COCHRAN], the Senator from New Jersey [Mr. BRADLEY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Michigan [Mr. LEVIN], the Senator from Alabama [Mr. HEFLIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Arkansas [Mr. BUMPERS], the Senator from South Carolina [Mr. THURMOND], the Senator from Arkansas [Mr. PRYOR], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from New Mexico [Mr. DOMENICI] were added as

cosponsors of Senate Joint Resolution 130, a joint resolution designating February 11 through February 17, 1990, as "Vocational-Technical Education Week."

## SENATE JOINT RESOLUTION 131

At the request of Mr. DURENBERGER, the names of the Senator from Washington [Mr. ADAMS], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Oklahoma [Mr. BOREN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Nevada [Mr. BRYAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Montana [Mr. BURNS], the Senator from West Virginia [Mr. BYRD], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from California [Mr. CRANSTON], the Senator from New York [Mr. D'AMATO], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Kansas [Mr. DOLE], the Senator from Nebraska [Mr. EXON], the Senator from Utah [Mr. GARN], the Senator from Ohio [Mr. GLENN], the Senator from Washington [Mr. GORTON], the Senator from Florida [Mr. GRAHAM], the Senator from Iowa [Mr. GRASSLEY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KERRY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Mississippi [Mr. LOTT], the Senator from Indiana [Mr. LUGAR], the Senator from Florida [Mr. MACK], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Maine [Mr. MITCHELL], the Senator from Idaho [Mr. McCLURE], the Senator from Ohio [Mr. METZENBAUM], the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. NUNN], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. ROBB], the Senator from Maryland [Mr. SARBANES], the Senator from Alabama [Mr. SHELBY], the Senator from Illinois [Mr. SIMON], the Senator from Wyoming [Mr. SIMPSON], the Senator from Alaska [Mr. STEVENS], the Senator from Idaho [Mr. SYMMS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from California [Mr. WILSON], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 131, a joint resolution to designate November 1989 as "National Diabetes Month."

## SENATE JOINT RESOLUTION 137

At the request of Mr. KASTEN, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Idaho [Mr. SYMMS], the Senator from Georgia [Mr. NUNN], the Senator from Indiana [Mr. COATS], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Arkansas [Mr. BUMPERS], the Senator from New Jersey [Mr. BRADLEY], the Senator from Vermont [Mr. JEFFORDS], the Senator from Illinois [Mr. SIMON], the Senator from Florida [Mr. GRAHAM], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. METZENBAUM], the Senator from Louisiana [Mr. BREAUX], the Senator from California [Mr. WILSON], the Senator from South Dakota [Mr. DASCHLE], the Senator from New York [Mr. D'AMATO], the Senator from Michigan [Mr. RIEGLE], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Iowa [Mr. GRASSLEY], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Indiana [Mr. LUGAR], the Senator from Nevada [Mr. REID], the Senator from Mississippi [Mr. COCHRAN], the Senator from Illinois [Mr. DIXON], the Senator from Kansas [Mr. DOLE], the Senator from Michigan [Mr. LEVIN], the Senator from Idaho [Mr. McCLURE], the Senator from Delaware [Mr. BIDEN], the Senator from South Carolina [Mr. THURMOND], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Arizona [Mr. DECONCINI], the Senator from Florida [Mr. MACK], the Senator from North Dakota [Mr. BURDICK], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Tennessee [Mr. SASSER], the Senator from Montana [Mr. BURNS], the Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. DANFORTH], the Senator from Washington [Mr. ADAMS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Tennessee [Mr. GORE], the Senator from Utah [Mr. GARN], the Senator from Virginia [Mr. ROBB], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Colorado [Mr. WIRTH], the Senator from Missouri [Mr. BOND], the Senator from Oklahoma [Mr. BOREN], the Senator from Rhode Island [Mr. PELL], the Senator from Alabama [Mr. SHELBY], the Senator from Ohio [Mr. GLENN], the Senator from Alabama [Mr. HEFLIN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Nebraska [Mr. KERREY], the Senator from Georgia [Mr. FOWLER], and the Senator from Connecticut [Mr. LIEBERMAN], were added as cosponsors of Senate Joint Resolution 137, a joint resolution designating January 7, 1990, through January 13, 1990, as "National Law Enforcement Training Week."

## SENATE CONCURRENT RESOLUTION 16

At the request of Mr. BOSCHWITZ, the names of the Senator from Wyoming [Mr. WALLOP], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Concurrent Resolution 16, a concurrent resolution calling for the Government of Vietnam to expedite the release and emigration of all political prisoners.

## SENATE CONCURRENT RESOLUTION 39

At the request of Mr. WILSON, the names of the Senator from Colorado [Mr. ARMSTRONG], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Montana [Mr. BURNS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from Utah [Mr. HATCH], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Wisconsin [Mr. KASTEN], the Senator from Mississippi [Mr. LOTT], the Senator from Indiana [Mr. LUGAR], the Senator from Florida [Mr. MACK], the Senator from Arizona [Mr. McCAIN], the Senator from Idaho [Mr. McCLURE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from South Dakota [Mr. PRESSLER], the Senator from Alaska [Mr. STEVENS], the Senator from Idaho [Mr. SYMMS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from Washington [Mr. ADAMS], the Senator from Montana [Mr. BAUCUS], the Senator from Nevada [Mr. BRYAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from North Dakota [Mr. CONRAD], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Nebraska [Mr. EXON], the Senator from Kentucky [Mr. FORD], the Senator from Georgia [Mr. FOWLER], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Nebraska [Mr. KERREY], the Senator from Massachusetts [Mr. KERRY], the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Georgia [Mr. NUNN], the Senator from

Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. ROBB], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Concurrent Resolution 39, a concurrent resolution to commend the group of aviators known as the "Flying Tigers" for nearly 50 years of service to the United States.

## SENATE RESOLUTION 113

At the request of Mr. DOLE, the names of the Senator from Hawaii [Mr. MATSUNAGA] and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Resolution 113, a resolution to amend Senate Resolution 28 to implement closed caption broadcasting for hearing-impaired individuals of floor proceedings of the Senate.

## SENATE RESOLUTION 119

At the request of Mr. WILSON, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Maine [Mr. COHEN], the Senator from Louisiana [Mr. BREAU], the Senator from Florida [Mr. GRAHAM], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Resolution 119, a resolution concerning the 1986 agreement between the United States and Japan regarding the Japanese semiconductor market.

## SENATE RESOLUTION 136—RELATIVE TO FUNDING FOR RADON ASSESSMENT AND MITIGATION

Mr. CONRAD submitted the following resolution; which was referred to the Committee on Appropriations:

## S. RES. 136

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

- (1) should make the full appropriation of the \$10,000,000 authorized for fiscal year 1990 for carrying out the program of grants to States under section 306 of the Toxic Substances Control Act for assessment and mitigation of radon; and
- (2) should appropriate \$1,500,000 for the Environmental Protection Agency to carry out a study under section 307 of the Toxic Substances Control Act to determine the extent of radon contamination in the school buildings of the United States.

Mr. CONRAD. Mr. President on April 20, 1989, the Environmental Protection Agency announced results of a study which determined that radon is a problem in our Nation's public schools. They tested over 3,000 classrooms in 130 schools in 16 States. They found at least one classroom in every State which had radon levels that exceeded EPA's lowest recommended action level. Several schools had levels that were 20 or more times

this level. This indicates that our Nation's children and teachers are at risk from radon's toxic effects not only in their homes but in their schools. EPA stated that this was not a comprehensive or even random study. It was designed to determine if radon levels were such that a more comprehensive study would be needed.

At the same time that EPA announced the results of the school study, they also made an even more disturbing announcement. Research indicates that children are more susceptible to radon's effects than are adults. The same dose of radon may have twice the effect upon children as it does on adults. Mr. President, if what the EPA says is true, our children, the future of our country, are in danger. We must act to get the radon out of our public schools.

In 1987, the Congress passed, and the President signed into law, a measure that authorized funds to EPA to study radon in homes, offices, and schools, and for grants to States to help mitigate radon in those places where there are serious problems. Some of those funds were not appropriated and much of the needed work went undone. We must not let that happen again.

My own State of North Dakota has the most serious radon contamination problem in the country. EPA tested schools in North Dakota as part of its initial study and found high levels in several classrooms. Moreover, the Fargo school system tested its schools for radon and found elevated levels in all of the schools in the district.

The sense-of-the-Senate resolution which I am introducing today requests the Appropriations Committee to appropriate the full \$10 million authorized by that law for radon study and mitigation for fiscal year 1990. In addition, I am requesting that an additional \$1.5 million for the EPA be appropriated to carry out a much more thorough study of radon in our schools so we can get a firm grasp on the extent of the problem. Mr. President, we need to get this money into the hands of the people who can tell us how bad the radon problem is and how to solve it. EPA says that once radon problems in schools are diagnosed, they are easily remedied. We must stop putting our children needlessly at risk of lung cancer.

Mr. President, I ask unanimous consent that these articles from the Los Angeles Times and the Fargo Forum on the results of radon testing in North Dakota schools be included in the RECORD.

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

[From the Los Angeles Times]

## EPA SAYS RADON THREATENS SCHOOLS

WASHINGTON.—Sounding a new alarm about indoor air pollution, the Environmen-

tal Protection Agency warned Thursday that unhealthy levels of radon have been detected in the nation's schools and urged officials nationwide to test schoolrooms for possible contamination by the cancer-causing gas.

The extraordinary health alert, issued by EPA Administrator William K. Reilly, was based on a preliminary results of an agency survey that found hazardous levels of radioactive radon in more than half of the 130 schools tested in 16 states. Bismarck, N.D., was one of the areas tested.

The stern EPA warning reaffirmed a statement released by the agency last autumn, when it joined Surgeon General C. Everett Koop in issuing a health advisory exhorting homeowners nationwide to test their residences for radon.

Far too few individuals have yet heeded that advice, Reilly declared. He said that the survey of schools raised new concerns about the dangers radon poses to children, who are believed to be particularly susceptible to the ill effects of the radioactive gas.

In making the health advisory public, Reilly acknowledged that it was based on preliminary and incomplete research. But he emphasized that the data collected was so troublesome, and the risks posed so severe, that remedial efforts should not be delayed until a more comprehensive survey is completed.

"The risks posed by radon gas are very real," Reilly told the National Press Club. "But with a little thoughtful effort, we can solve this problem with relative ease."

Experts call radon the second-leading cause of lung cancer in the United States and blame it for 15,000 deaths a year.

An odorless, colorless gas, radon is produced by the radioactive decay of uranium and seeps naturally from the soil. While it usually escapes harmlessly into the environment, the gas can reach dangerously high concentrations when contained by man-made structures.

In the EPA survey, 54 percent of schools tested—and at least one every state—was found to contain one or more rooms in which radon levels exceeded the EPA limit of four picocuries per liter.

[From the Forum]

## RADON FOUND IN ALL FARGO SCHOOLS—SCHOOL OFFICIAL SAYS LEVELS NOT SERIOUS PROBLEM, BUT WILL BE MONITORED

(By Ellen Crawford)

Radon has been found in all of Fargo's public schools.

However, the radon levels do not exceed 4 picocuries per liter of air in the buildings' occupied areas, according to tests completed last month.

The federal Environmental Protection Agency says indoor concentrations should not exceed the 4 picocuries per-liter level.

Radon is a colorless, odorless gas released by the decay of uranium in the soil. It seeps into buildings. Scientists say high concentrations of the gas could be a major cause of lung cancer.

The EPA warned last week that preliminary tests suggest schools across the country have unhealthy levels of radon. The EPA also urged every school to test for the gas.

Radon Control Systems, a division of Western Products Inc., Fargo, conducted more than 100 tests throughout Fargo's public schools, the school district office and district warehouse between January and March.

The tests found the biggest concentrations of radon in utility tunnels under schools. The highest reading—47.8 picocuries per liter was in the tunnel at Roosevelt Elementary in north Fargo.

Areas of Roosevelt occupied by students and teachers registered a radon level of 4.

Duane Carlson, assistant superintendent for business, said the radon levels are not a serious problem, but district officials plan to monitor them on a regular basis.

The EPA says that if a building's radon level is less than 4 picocuries per liter of air, further tests aren't required. The EPA recommends the air be tested once a year if radon levels are between 4 picocuries to 20 picocuries per liter and every three months if the levels are 20 picocuries to 200 picocuries per liter.

If tests show more than 200 picocuries per liter, action should be taken immediately to reduce the radon level, the EPA says.

Fargo School District tests indicate that radon levels are highest in the areas with the least amount of air circulation, Carlson said. "What we're going to have to do with our building tunnels, basement areas, is make sure we get air exchanges happening there."

Radon is like asbestos in that studies indicate it can cause health problems and concentrations should be reduced, he said. But unlike asbestos, dealing with radon can be as simple and inexpensive as increasing an area's air circulation, he said.

In comparison, the School Board this week awarded contracts totaling \$122,730 for asbestos removal at Madison and McKinley elementary schools.

The radon tests cost the district \$2,070, Carlson said.

#### SENATE RESOLUTION 137—RELATIVE TO THE DEATH OF REPRESENTATIVE CLAUDE PEPPER OF FLORIDA

Mr. GRAHAM (for himself, Mr. MATSUNAGA, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 137

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Claude Pepper, late a Representative from the State of Florida and formerly a Senator from that State.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

#### SENATE RESOLUTION 138—REAPPOINTING THE DEPUTY SENATE LEGAL COUNSEL

Mr. FOWLER (for Mr. MITCHELL, for himself, and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 138

*Resolved*, That the reappointment of Kenneth U. Benjamin, Jr. to be Deputy Senate Legal Counsel, made by the President pro tempore of the Senate this day, shall become effective on June 1, 1989, and the term of service of the appointee shall expire at the end of the 102nd Congress.

#### SENATE RESOLUTION 139—DESIGNATING NATIONAL D-DAY REMEMBRANCE

Mr. FOWLER (for Mr. LAUTENBERG, for himself, Mr. SHELBY, Mr. GRAMM, Mr. BRADLEY, Mr. DOLE, Mr. LIEBERMAN, Mr. COATS, Mr. ROBB, Mr. HATCH, Mr. MITCHELL, Mr. STEVENS, Mr. SANFORD, Mr. WARNER, Mr. BOREN, Mr. PELL, Mr. METZENBAUM, Mr. MURKOWSKI, Mr. MATSUNAGA, Mr. SARBANES, Mr. BURNS, Mr. CONRAD, Mr. INOUE, Mr. GARN, Mr. DECONCINI, Mr. SIMON, Mr. WILSON, Mr. DIXON, Mr. SASSER, Mr. BIDEN, Mr. LEVIN, Mr. GORE, Mr. HOLLINGS, Mr. HEFLIN, Mr. DASCHLE, Mr. RIEGLE, Mr. MOYNIHAN, Mr. BUMPERS, Mr. GLENN, Mr. ROCKEFELLER, Mr. CRANSTON, Mr. DOMENICI, Mr. THURMOND, Mr. SPECTER, Mr. ROTH, Mr. SIMPSON, Mr. HEINZ, Mr. MACK, Mr. ARMSTRONG, Mr. GRASSLEY, Mr. JEFFORDS, Mr. D'AMATO, Ms. MIKULSKI, Mr. COHEN, Mr. GORTON, and Mr. CHAFFEE) submitted the following resolution; which was considered and agreed to:

S. RES. 139

Whereas June 6, 1989, marks the 45th anniversary of D-Day, the day on which thousands of American, British and Canadian troops sprang from the sea and air onto the coast and fields of Normandy in "Operation Overlord" to punch a gaping hole in Adolf Hitler's "Fortress Europe";

Whereas after the German victory over France in 1940, one of the main objectives of the Allied powers was to invade France as the first major step toward the defeat of Nazi Germany;

Whereas Allied planning for an invasion of France, named Operation Overlord, began in earnest in 1942;

Whereas General Dwight D. Eisenhower, Commander of the United States forces in Europe, was selected as Supreme Commander of the Allied Expeditionary Force, and Great Britain's General Bernard Law Montgomery, the hero of El Alamein, was appointed to command the Twenty-First Army Group, the main Allied land force;

Whereas the beaches of Normandy were selected for the primary invasion;

Whereas General Eisenhower knew that the Allies had to succeed in establishing a beachhead on the first day because, with the scarcity of landing craft, it would be 6 weeks before the Allies could land enough men to achieve numerical superiority over the German defenders;

Whereas the Germans, anticipating the inevitable invasion, began constructing coastal defenses in northern France in 1940;

Whereas on the morning of June 6, 1944, known as "D-Day", more than 5,000 Allied ships carrying nearly 100,000 men hit the beaches of Normandy, with 1,083 heavy bombers and more than 2,000 fighter planes providing support overhead;

Whereas the invasion was the largest combined air, sea, and land operation in history; Whereas after a day of bitter fighting the Allies succeeded in establishing a beachhead;

Whereas during the next week the Allied Expeditionary Force solidified its position, and the Germans, because of the disruption of their transportation system and because of Allied air superiority, could not bring suf-

ficient reserves to the battlefield to launch an effective counterattack;

Whereas both Field Marshal Rommel and Adolf Hitler believed the Normandy invasion was a feint for a larger invasion at Calais and kept troops away from Normandy;

Whereas Field Marshal von Rundstedt was unable to move his armor in time to stem the Allied advance;

Whereas a massive battle against German armor at Caen held up General Montgomery for a few days, but the Allies broke through the Normandy defenses and raced toward Paris;

Whereas the Allies mounted a Second invasion in southern France in August 1944, and on August 25, 1944, Paris was liberated, opening the way to the invasion of Germany itself; and

Whereas the people of the United States owe a tremendous debt of gratitude to all members of our Armed Forces who participated in "Operation Overlord" and in all other theaters during World War II: Now, therefore be it

*Resolved*, That June 6, 1989, is designated as "National D-Day Remembrance Day", and the President is requested to issue a proclamation calling upon the people of the United States to observe this solemn occasion with appropriate ceremonies and activities, and to express gratitude to those who gave their lives and to all others who served to defend our freedom in World War II.

#### AMENDMENTS SUBMITTED

#### EXEMPTION OF CERTAIN ACTIVITIES FROM ANTITRUST LAWS

##### HELMS (AND THURMOND) AMENDMENT NO. 106

Mr. HELMS (for himself and Mr. THURMOND) proposed an amendment to the bill (S. 593) to exempt certain activities from provisions of the anti-trust laws, as follows:

(1) on page 2, line 23, strike "or (2) alleviate the negative impact of illegal drug in telecast material." and insert "(2) alleviate the negative impact of illegal drug use in telecast material, and (3) alleviate the negative impact of sexually explicit material in telecast material."

(2) on page 3, line 8, strike "Television Violence Act" and insert "Television Violence Indecent Material Act".

#### SENSE OF THE CONGRESS WITH RESPECT TO DEMOCRACY IN CHINA

##### PELL (AND OTHERS) AMENDMENT NOS. 107 AND 108

Mr. PELL (for himself and Mr. HELMS, Mr. BOSCHWITZ, and Mr. THURMOND) proposed two amendments to the concurrent resolution (H. Con. Res. 136) expressing the sense of the Congress on the movement for democracy in China, as follows:

AMENDMENT No. 107

Strike out all after the resolving clause and insert:

It is the sense of the Congress that—

(a) The Congress looks with admiration on the courage which Chinese citizens have demonstrated in striving for democratic political reform, including freedom of expression, freedom of assembly, freedom of association, and freedom of the press, and on the peaceful and disciplined manner with which they have pursued their cause;

(b) the leadership of the People's Republic of China should take all necessary steps to establish a just and democratic society, with a free and open political system that will protect the essential human rights of all people living within that country, and

(c) the Secretary of State should communicate to the leadership of the People's Republic of China that official violence or repression directed at those who would peacefully demonstrate for democracy, liberty, and justice and workers rights will seriously damage relations with the United States.

AMENDMENT No. 108

Strike the preamble and insert:

Whereas since mid-April millions of Chinese citizens have engaged in peaceful demonstrations in Beijing and other Chinese cities, calling for greater democracy, freedom of expression, freedom of assembly, freedom of association, and for a government which is responsive to the people and free of corruption;

Whereas the demonstrators, in carrying out their peaceful protest, have displayed extraordinary courage, discipline, and restraint;

Whereas such demonstrations reflect a broad-based feeling on the part of many Chinese that the political reforms which have occurred in China have not kept pace with the progress of economic reform, and the current difficulties in economic reform will only heighten the popular desire for political reform;

Whereas the extraordinary demonstrations in China constitute one of the most significant movements for democracy in modern history;

Whereas on May 20, 1989, the Chinese Government declared martial law in eight districts of Beijing, and imposed edicts forbidding marches, strikes, class boycotts, distribution of pamphlets, spreading rumors, attacks on leaders, and any other "destructive actions";

Whereas on May 20, 1989, the Chinese Government ordered units of the People's Liberation Army into Beijing in order to restore order;

Whereas military units attempting to enter the center of Beijing have been met by crowds of prodemocracy demonstrators and have chosen to withdraw or remain in place rather than use force to move forward;

Whereas in April 1989, the authorities of the Shanghai municipality dismissed the editor-in-chief of the World Economic Herald, one of China's more independent newspapers;

Whereas the Chinese authorities have ordered foreign journalists not to go to Tiananmen Square, have stopped international satellite news transmissions, and have jammed three of five Voice of America frequencies (the first time that VOA broadcasts to China have been jammed since the normalization of United States-China relations in 1979);

Whereas, in the wake of democracy movements in 1978-79 and 1986-87, the authorities subjected participants in those movements to a variety of sanctions, and some individuals incarcerated for their peaceful political activity during those movements remain in prison;

Whereas an acceleration of political reform, including greater pluralism and respect for internationally recognized human rights, will have positive consequences for the development of relations between the United States and China, and repression of the movement for democracy in China will seriously impair those relations;

Whereas the freedom of movement and the freedom to form independent trade unions, student organizations and other voluntary associations are curtailed;

Whereas led by the Independent Student Union of Beijing Universities, the Chinese people have demonstrated their desire for democracy, human rights and an end to corruption in the People's Republic of China;

Whereas the American people desire to extend their moral support to the struggle for democracy, liberty and justice within the People's Republic of China.

LOCAL RAIL SERVICE ASSISTANCE PROGRAM AUTHORIZATION ACT

HARKIN AMENDMENT NO. 109

Mr. HARKIN proposed an amendment to the bill (S. 255) to authorize appropriations for the Local Rail Service Assistance Program, as follows:

Strike all after the enacting clause and insert the following:

That this Act may be cited as the "Local Rail Service Assistance Reauthorization Act of 1990".

SEC. 2. (a) The second sentence of subsection (q) of section 5 of the Department of Transportation Act (49 App. U.S.C. 1654(q)) is amended—

(1) by striking "and" immediately after "1987";

(2) by striking the period at the end and inserting in lieu thereof a comma; and

(3) by adding at the end the following: "and not to exceed \$10,000,000 for the fiscal year ending September 30, 1990."

(b) The last sentence of such subsection (q) is amended by striking "1988" and inserting in lieu thereof "1990".

SEC. 3. Section 5(g) of the Department of Transportation Act (49 App. U.S.C. 1654(g)) is amended by striking "70 per centum" and inserting in lieu thereof "60 per centum".

COMPENSATION OF CERTAIN SERVICE-CONNECTED DISABLED VETERANS

MATSUNAGA AMENDMENT NO. 110

(Ordered referred to the Committee on Veterans' Affairs.)

Mr. MATSUNAGA submitted an amendment intended to be proposed by him to the bill (S. 190) to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to

receive compensation concurrently with retired pay without reduction in the amount of compensation and retired pay; as follows:

On page 1, strike out line 3 and all that follows through page 3, line 12, and insert in lieu thereof the following:

SECTION 1. CONCURRENT PAYMENT OF RETIRED PAY AND COMPENSATION.

(a) LIMITATION ON DUPLICATION OF BENEFITS.—Section 3104(a) of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting "as provided in paragraph (3) of this subsection and" after "Except"; and

(2) by adding at the end the following new paragraph:

"(3)(A) Subject to subparagraph (B) of this paragraph, a person may be paid emergency officers', regular, or reserve retirement pay concurrently with payment of compensation for any service-connected disability if the person's entitlement to such retirement pay is based solely on—

"(i) the person's age;

"(ii) the length of the person's service in the Armed Forces, the Regular or Reserve Corps of the Public Health Service, or the National Oceanic and Atmospheric Administration; or

"(iii) both the person's age and the length of such service.

"(B) In the case of a person who is receiving both retirement pay and compensation, the amount of retirement pay paid such person shall be reduced (but not below zero)—

"(i) if and while the disability is rated 10 percent, by the amount equal to 90 percent of the amount of the disability compensation paid such person;

"(ii) if and while the disability is rated 20 percent, by the amount equal to 80 percent of the amount of the disability compensation paid such person;

"(iii) if and while the disability is rated 30 percent, by the amount equal to 70 percent of the amount of the disability compensation paid such person;

"(iv) if and while the disability is rated 40 percent, by the amount equal to 60 percent of the amount of the disability compensation paid such person;

"(v) if and while the disability is rated 50 percent, by the amount equal to 50 percent of the amount of the disability compensation paid such person;

"(vi) if and while the disability is rated 60 percent, by the amount equal to 40 percent of the amount of the disability compensation paid such person;

"(vii) if and while the disability is rated 70 percent, by the amount equal to 30 percent of the amount of the disability compensation paid such person;

"(viii) if and while the disability is rated 80 percent, by the amount equal to 20 percent of the amount of the disability compensation paid such person; and

"(ix) if and while the disability is rated 90 percent, by the amount equal to 10 percent of the amount of the disability compensation paid such person.

The amount of the retirement pay of a disabled person may not be reduced under this subparagraph if and while the disability is rated as total."

(b) TECHNICAL AMENDMENTS.—(1) Section 3104 of such title is further amended by striking out the section heading and inserting in lieu thereof the following:

"§ 3104. Limitation on duplication of payments".

(2) The table of sections at the beginning of chapter 53 of such title is amended by striking out the item relating to section 3104 and inserting in lieu thereof the following:

"§ 3104. Limitation on duplication of payments."

**SEC. 2 EFFECTIVE DATE AND PROHIBITION ON RETROACTIVE BENEFITS.**

(a) **IN GENERAL.**—The amendments made by this Act shall take effect on the first day of the second calendar month following the date of the enactment of this Act.

(b) **RETROACTIVE BENEFITS.**—No benefits shall be paid to any person by virtue of this Act for any period before the effective date of this Act.

**Mr. MATSUNAGA.** Mr. President, on another matter, Mr. President, I have submitted amendment No. 110, to S. 190, a bill which was previously introduced and referred to the Veterans' Affairs Committee.

**NOTICES OF HEARINGS**

**SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT**

**Mr. LEVIN.** Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will continue hearings on oversight of DOD's inadequate use of off-the-shelf items on Thursday, June 1, 1989, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building.

**SPECIAL COMMITTEE ON AGING**

**Mr. PRYOR.** Mr. President, I would like to announce for the public that the Special Committee on Aging has scheduled a hearing entitled "SSA's Representative Payee Program: Safeguarding Beneficiaries Against Abuse."

The hearing will take place on Tuesday, June 6, 1989, beginning at 10 a.m. in room 628 of the Dirksen Senate Office Building in Washington, DC.

For further information, please contact Portia Mittelman, staff director at (202) 224-5364.

**SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS**

**Mr. BUMPERS.** Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on June 20, 1989, beginning at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on a bill currently pending before the subcommittee. The measure is:

S. 724, a bill to modify the boundaries of the Everglades National Park and to provide for the protection of lands, waters, and natural resources within the park, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, SD-364, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224-9863.

**COMMITTEE ON RULES AND ADMINISTRATION**

**Mr. FORD.** Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Thursday, June 8, 1989, at 9:30 a.m., to mark up the following: S. 874, the National Voter Registration Act of 1989; Senate Resolution 99, requiring the Architect of the Capitol to establish and implement a voluntary program for recycling paper disposed of in the operation of the Senate; and an original bill authorizing the Architect of the Capitol to accept furniture as a gift for Senators' office suites. The Committee will also mark up other pending legislative business ready for consideration.

For further information concerning this markup, please contact Carole Blessington of the Rules Committee staff on x40278.

**AUTHORITY FOR COMMITTEES TO MEET**

**SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE**

**Mr. PRYOR.** Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet on Wednesday, May 31, 1989, at 2 p.m. in closed session to receive testimony on Space Launch and C3 Programs in review of the fiscal years 1990-1991 defense authorization request.

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

**SUBCOMMITTEE ON READINESS, SUSTAINABILITY, AND SUPPORT**

**Mr. PRYOR.** Mr. President, I ask unanimous consent that the Subcommittee on Readiness, Sustainability and Support of the Committee on Armed Services be authorized to meet Wednesday, May 31, 1989, at 2 p.m. in open session to receive testimony on strategies for DOD facility modernization and DOD facility requirements in the National Capitol region.

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

**ADDITIONAL STATEMENTS**

**COMMAND SGT. MAJ. HENRY HAMPTON**

● **Mr. DeCONCINI.** Mr. President, on May 26, 1989, Command Sgt. Maj. Henry Hampton ended his tenure as the senior noncommissioned officer on the Yuma Proving Ground in Arizona. He will be retired from active duty in the Army on August 31, 1989, and deserves commendation for the fine service he has given for 28 years. While Command Sergeant Major Hampton's retirement is well deserved, his experience, expertise, and professional excellence will be greatly missed by the Army, the State of Arizona, and the Yuma Proving Ground.

Command Sergeant Major Hampton's years of service have taken him to Germany, Korea, Vietnam, Great Britain, and throughout the United States. Wherever he has served he has proudly defended freedom and democracy and he has fulfilled the demands of the Army's highest enlisted grade with distinction and excellence.

Command Sergeant Major Hampton's bravery, fidelity, and meritorious service have resulted in numerous awards and decorations, including the Bronze Star Medal, the Meritorious Service Medal with two Oak Leaf Clusters, the Army Commendation Medal with Oak Leaf Cluster, the Army Achievement Medal, Army Service Ribbon, NCO Professional Ribbon, Overseas Service Ribbon, the National Defense Service Medal, the Vietnamese Cross of Gallantry Ribbon, nine awards of the Good Conduct Medal and numerous other foreign awards and decorations.

Command Sergeant Major Hampton leaves a legacy in the soldiers and civilians who have served with and learned from this great American soldier. He will be missed as a leader and a teacher, but his example of military conduct and efficiency will be carried on amongst everyone who worked with him.

Mr. President, I am pleased to commend Command Sgt. Maj. Henry Hampton on his fine military career. ●

**DEEPENING LABOR SHORTAGE**

● **Mr. LAUTENBERG.** Mr. President, recently a restaurateur from my State wrote to complain of the "extreme labor shortage" confronting his business. He explained that New Jersey's hospitality industry today lacks the employees needed for proper service, and that if the shortage continues, many businesses may have to close.

The best available data indicate that the labor shortage is a national phenomenon that involves many different occupations. And the shortage is likely to deepen over the next decade.

We must begin to identify occupations with insufficient supplies of workers, and to plan to provide workers with the required skills, if we're to avoid the debilitating effects of growing labor shortages. S. 741, the Labor Shortage Reduction Act of 1989, is intended to do just that, to make sure today's shortages do not become the bottlenecks of tomorrow.

I ask that recent articles about the growing labor shortage in my State be included in the RECORD.

The articles follow:

[From the Asbury Park (NJ) Press, Mar. 28, 1989]

**HEFCO FILTER MOVING TO PENNSYLVANIA**  
(By Mark Dillion)

**EATONTOWN.**—Hefco Efficiency Filter Corp. plans to shut down its South Street plant here on June 1 and relocate to Lancaster, Pa., idling more than 50 workers.

An air filter maker for the drug and electronic industries, Hefco management cited a need to expand the 45,000-square-foot factory, the labor shortage, and excess capacity at its parent company's 168,000-square-foot Pennsylvania plant, as reasons for the move.

"We had a dire need for additional space and a real problem getting people," said Gary D. Messina, Hefco vice president. "We had some property to expand, but we wouldn't have been able to attract enough people in the area to fill the space."

The West Long Branch resident sold the 12-year-old company, founded by his father, Anthony, in December for an undisclosed price to Clarcor, a publicly-held Rockford, Ill. company with 22 subsidiaries and \$202 million in 1988 sales.

"The complexion of the area has changed a lot since we opened," he noted. "We were facing a chronic labor shortage."

The expansion will enable Hefco to double its current sales of about \$5 million over the next few years, said Robert Brubaker, general manager of Clark Filter, a Clarcor subsidiary that will share the Lancaster factory with Hefco.

Eleven of Hefco's 70 employees have so far accepted a relocation offer to the Clarcor plant while the company has brought in the state Department of Labor's plant closing response team to help workers who want to stay find area jobs, Messina said.

Hefco sponsored a bus trip for employees to Lancaster earlier this month to encourage relocation, but despite lower housing costs and taxes, many have turned down the offer to move because of family attachments in New Jersey, Messina said.

Brubaker noted that the unemployment rate in the Lancaster area also is low but not as low as in Monmouth County (about 3.9 percent in January).

Employees here also are being offered a retention bonus equal to 10 percent of their weekly salary for each week they stay on until the plant is closed, Messina noted.

No new tenants have been found for the factory, owned by Messina's family. The building, assessed at \$668,000, may be sold after the plant closing.

Clarcor's acquisition is part of a five-year strategy to expand market share in the filter business through acquisition, Brubaker said.

Hefco makes air filters that create a sterile environment in pharmaceutical and electronic manufacturing areas. Its products are also used at hospitals and food processing companies.

In Pennsylvania, the company will be sharing a plant in which filters for lubricants in diesel locomotives are made.

[From the Asbury Park (NJ) Press, Mar. 3, 1989]

**LABOR DEPARTMENT HIT BY WORKER SHORTAGE**  
(By Rick Linsk)

**TRENTON.**—The State's labor commissioner yesterday presented legislators with a budget he said does "more with less," even as his department strains to respond to a continuing labor shortage that threatens to choke New Jersey's economic boom.

Appearing before the Senate Revenue, Finance and Appropriations Committee, Labor Commissioner Charles Serraino said state government must do more to provide business with an adequately educated and trained workforce.

Business expansion and worker retirements will create 243,000 job openings through the year 2000, but only if there are competent workers to fill the jobs, according to department economists.

A lack of such employees is already forcing some companies to leave New Jersey, Serraino said.

Despite the need to respond to the worker shortage, the Labor Department's staff has shrunk from 5,000 to 3,900 since October 1984, Serraino said. Cutbacks have been forced, ironically, by the state's healthy economy, which reduced the department's federal aid.

The state's revenue slowdown, and Gov. Kean's resulting tight budget, have put further pressure on the department.

The department has proposed a budget of \$324 million for the fiscal year that starts July 1, a nearly 2 percent increase over fiscal 1989. Of the total, Labor is asking the state for \$69.2 million, down 11 percent.

Much of the \$8 million decrease would come from shifting to insurance carriers and self-insured companies the \$6.2 million cost of administering the workers' compensation program.

Thirty-two other states use such a method to run their workers' compensation programs, Serraino said.

Discussing workplace safety, the commissioner said the department has only "scratched the surface" in inspections conducted under the Public Employee Occupational Safety and Health Act.

More than 1,800 inspections were made last year, Serraino said, but under questioning from Sen. Gerald R. Stockman, D-Mercer, he said it would require a "monumental amount of money" to cover all the buildings subject to inspection in New Jersey.

There are more than 50,000 municipal complexes, 1,400 fire department buildings, 600 police facilities, 1,500 maintenance and garage facilities, plus hospitals, prisons, schools and other buildings that should be inspected, the commissioner said.

The department has an allocation of 23 inspectors, though it has been able to hire only 15 because of the state hiring freeze and limited availability of such workers, Serraino said.

On job training the commissioner said the state is running model programs under the federal Job Training Partnership Act, but added that funds for the programs have been steadily decreasing since 1984.

Serraino said the department is improving its vocational rehabilitation services, but asked for an additional \$4.8 million this year.

Serraino also endorsed legislation that would create an Office of Dislocated Workers within the department.

[From the Nation's Restaurant News, Mar. 27, 1989]

**LABOR-SAVING EQUIPMENT TOPS SHOPPING LIST AT CAROLINA EXPO**  
(By Jack Hayes)

**CHARLOTTE, NC.**—In the battle to keep kitchens cooking despite a worsening labor crunch and the threat of a higher minimum wage, a record crowd of restaurateurs showed up for the Carolina Food Service Expo, admitting that this may be the year they get serious about replacing people with machines.

Calling staff scarcity the real mother of invention, operators attending one of the key regional shows before the National Restaurant Association show in Chicago in May said labor saving equipment ranks high on the list of possible solutions.

At the same time restaurateurs indicated that customer demand for nutrition has inspired them to continue searching out more cholesterol-free substitutes across the menu.

"It's ironic being in an industry that is so people-oriented and at the same time having to search for ways to replace people that aren't available," said Wilbur F. King, president of Kings Restaurant, a 42-year-old high-volume fast-turn barbecue tradition in Kinston, N.C.

King was one of about 19,000 people who stormed the 540 exhibitor booths at the Charlotte Merchandise Mart with labor concerns foremost in mind.

Ted Garner, who runs Sanitary Fish Market and Restaurant in Morehead City, N.C., a 600-seat operation with between 150 and 165 employees on the summer payroll, was concerned.

"Facing the inevitable cost of minimum wage, we're looking for labor-saving devices," he explained. "This is going to be the foremost challenge to restaurant owners and managers." Similar sentiments were expressed by other large and small operators from Virginia and the Carolinas.

"I'm looking for ideas and equipment to fill the labor gap," said Donald C. McMillan, chef-owner at The Stocked Pot & Co., a catering and cookware operation in Winston-Salem, N.C. "With fewer people on the line, we have to find ways to work faster."

Biscuitville Inc., a 32-unit regional fast-food sandwich operator with 550 employees, is already taking action according to the chain's executive vice president, Wayne Bunting.

"We've gone to self-serve beverage," said Bunting, adding that the operation's "biscuit-maker" concept has preserved the labor-intensive element at Biscuitville nonetheless.

"But we're looking for ways to reduce labor in the back part of the kitchen," Bunting explained. "We're interested in contact grills and fryers with timers because there's nobody back there to turn them off."

Bunting admitted a hike in the minimum wage would affect 50 to 60 percent of Biscuitville stores—the ones outside of larger markets like Raleigh-Durham and Greensboro-Winston-Salem.

"Yet, with all the moves together, we'll maybe be able to cut labor by 10 percent," he said.

Not all operators were jumping at the mention of labor, however.

"Fortunately, the company pays a quality wage and good benefits, so labor isn't critical," said Julie Jackson, children's menu supervisor at SAS Institute, a Cary, N.C., software developer that serves 600 to 700 lunches daily with a kitchen staff of 25.

"Nutrition is our No. 1 issue," Jackson added. "We went from ice cream to frozen yogurt, also to butter substitutes, more poultry, and seafood—and lots of vegetables and salads."

Mary Kay Pierce and Claude Clark, Western Sizzlin store managers in North Carolina, were also hunting nutritional menu substitutes.

"We're looking for a low-cholesterol soft serve and expect to make a change in the next two months," Clark said.

"We're getting more requests for skinless chicken without the sauces," Pierce added.

Michael H. Piedallu, executive chef at the Charlotte Country Club, echoed the other's thoughts on nutrition.

"No more deep-fried for us," Piedallu said. "Everything is poached, baked, and broiled."●

#### COL. DARRELL L. LUCAS

● Mr. DIXON. Mr. President, I would like to take this opportunity to honor Col. Darrell L. Lucas, who after 26 years of distinguished and honorable service is retiring from the U.S. Air Force on June 1. Colonel Lucas served his country with pride as the deputy chief of staff for operations at the Headquarters Air Weather Service at Scott Air Force Base, IL. Colonel Lucas was responsible for planning and implementing policy and procedures for operational environmental support by Air Weather Service, to Air Force, Army, and designated Department of Defense agencies.

Colonel Lucas is a great asset to the armed services and his presence at the Headquarters Air Weather Service will be sorely missed. I understand that Colonel Lucas will be retiring in my hometown of Belleville, IL, and I wish him the very best there. Furthermore, I would like to join my voice with those of his family and many friends in wishing Colonel Lucas a most happy retirement.●

#### NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule

35, for Victoria Lee, a member of the staff of Senator SHELBY, to participate in a program in Taiwan, sponsored by Tamkang University, from May 17 to 27, 1989.

The committee has determined that participation by Ms. Lee in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Leslie Woolley, a member of the staff of Senator GRAHAM, to participate in a program in Taiwan, sponsored by Tamkang University, from May 19 to 27, 1989.

The committee has determined that participation by Ms. Woolley in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for John Dowd, a member of the staff of Senator LEAHY, to participate in a program in Taiwan, sponsored by Tamkang University, from May 18 to 27, 1989.

The committee has determined that participation by Mr. Dowd in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Chris Koch, a member of the staff of Senator McCAIN, to participate in a program in Taiwan, sponsored by Tamkang University, from May 19 to 27, 1989.

The committee has determined that participation by Mr. Koch in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Lynn A. Boyer, a member of the staff of Senator HELMS, to participate in a program in Taiwan, sponsored by Soochow University, from May 22 to 30, 1989.

The committee has determined that participation by Ms. Boyer in the program in Taiwan, at the expense of Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Jim Fitzhenry, a member of the staff of Senator HATFIELD, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 21 to 29, 1989.

The committee has determined that participation by Mr. Fitzhenry in the program in Taiwan, at the expense of Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Jerry Slominski, a member of the staff of Senator EXON, to partici-

pate in a program in Taiwan, sponsored by the Chinese Culture University, from May 21 to 29, 1989.

The committee has determined that participation by Mr. Slominski in the program in Taiwan, at the expense of Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for James Schufreider, a member of the staff of Senator DIXON, to participate in a program in Taiwan, sponsored by the Tamkang University, from May 19 to 27, 1989.

The committee has determined that participation by Mr. Schufreider in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Linda Daniel, a member of the staff of Senator NICKLES, to participate in a program in Taiwan, sponsored by Soochow University, from May 22 to 30, 1989.

The committee has determined that participation by Ms. Daniel in the program in Taiwan, at the expense of Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Dan Rich, a member of the staff of Senator CRANSTON, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 21 to 29, 1989.

The committee has determined that participation by Mr. Rich in the program in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for James O. King, Staff Director of the Committee on Rules and Administration, chaired by Senator FORD, to participate in a program in Taiwan, sponsored by Soochow University, from May 22 to 30, 1989.

The committee has determined that participation by Mr. King in the program in Taiwan, at the expense of Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Laurie Rubiner, a member of the staff of Senator MACK to participate in a program in Taiwan, sponsored by Tamkang University, from May 19 to 27, 1989.

The committee has determined that participation by Ms. Rubiner in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule

35, for Stacy Hoffhaus, a member of the staff of Senator DOLE, to participate in a program in Taiwan, sponsored by Soochow University, from May 22 to 30, 1989.

The committee has determined that participation by Ms. Hoffhaus in the program in Taiwan, at the expense of Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Kyle Michel, a member of the staff of Senator GORE, to participate in a program in Taiwan, sponsored by Tamkang University, from May 18 to 27, 1989.

The committee has determined that participation by Mr. Michel in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Christopher Frenze, a member of the staff of the Joint Economic Committee, chaired by Representative HAMILTON, to participate in a program in Taiwan, sponsored by Tamkang University, from May 18 to 27, 1989.

The committee has determined that participation by Mr. Frenze in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Jerry Slominski, a member of the staff of Senator EXON, to participate in a program in Taiwan, sponsored by Chinese Culture University, from May 21 to 29, 1989.

The committee has determined that participation by Mr. Slominski in the program in Taiwan, at the expense of Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ken Apfel, a member of the staff of Senator BRADLEY, to participate in a program in Taiwan, sponsored by Chinese Culture University, from May 21 to 29, 1989.

The committee has determined that participation by Mr. Apfel in the program in Taiwan, at the expense of Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Warren Erdman, a member of the staff of Senator BOND, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 21 to 29, 1989.

The committee has determined that participation by Mr. Erdman in the program in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Cheryl Mansfield, a member of the staff of Senator GRASSLEY, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 21 to 29, 1989.

The committee has determined that participation by Ms. Mansfield in the program in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ken Cunningham, a member of the staff of Senator GRASSLEY, to participate in a program in Austria, sponsored by the Austrian Federal Economic Chamber, from May 20 to June 1, 1989.

The committee has determined that participation by Mr. Cunningham in the program in Austria, at the expense of the Austrian Federal Economic Chamber, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mike McGavick, a member of the staff of Senator GORTON, to participate in a program in Taiwan, sponsored by Tamkang University, from May 19 to 27, 1989.

The committee has determined that participation by Mr. McGavick in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mary Booth, a member of the staff of Senator REID, to participate in a program in Taiwan, sponsored by Tamkang University, from May 19 to 27, 1989.

The committee has determined that participation by Ms. Booth in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Dr. Leonard Weiss, Staff Director of the Committee on Governmental Affairs, which is chaired by Senator GLENN, to participate in a program in Taiwan, sponsored by Soochow University, from May 22 to 30, 1989.

The committee has determined that participation by Dr. Weiss in the program in Taiwan, at the expense of Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Emilio Pardo, a staff member of the Committee on Commerce, Science, and Transportation, which is chaired by Senator HOLLINGS, to participate in a program in Taiwan, sponsored by Soochow University, from May 22 to 30, 1989.

The committee has determined that participation by Mr. Pardo in the pro-

gram in Taiwan, at the expense of Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Richard J. Tarplin, a member of the staff of Senator DOBBS, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 20 to 30, 1989.

The committee has determined that participation by Mr. Tarplin in the program in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Christine Ferguson, a member of the staff of Senator CHAFFEE, to participate in a program in Taiwan, sponsored by the Tamkang University, from May 19 to 27, 1989.

The committee has determined that participation by Ms. Ferguson in the program in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Paul Vick, a member of the staff of Senator SANFORD, to participate in a program in Taiwan, sponsored by the Soochow University, from May 22 to 30, 1989.

The committee has determined that participation by Mr. Vick in the program in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for D. Gray Maxwell, a member of the staff of Senator HEINZ, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 21 to 29, 1989.

The committee has determined that participation by Mr. Maxwell in the program in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.●

#### THE 20TH ANNIVERSARY OF THE EAST MANHATTAN SCHOOL FOR BRIGHT AND GIFTED CHILDREN

● Mr. D'AMATO. Mr. President, it gives me great pleasure today to honor a significant educational achievement taking place in the city of New York; 1989 marks the 20th anniversary of the East Manhattan School for Bright and Gifted Children, an institution nurturing the bright promise of the future—the youth of today.

In an era where the quality of education in the United States is stagnating or declining with each new report, it's encouraging to hear of educational

programs successfully nurturing the potential of excellence found in our children. To challenge and develop young minds, the school employs the philosophies of Montessori, Piaget, and John Dewey. Though it occupies only two small brownstones, it contains classrooms, a science room, a computer room, a gym, a separate floor for ballet and athletics, an art room, a library, a greenhouse, and a vegetable garden. East Manhattan students do more than memorize their ABC's. They learn to express their creative talents through the arts, develop independent judgment, and cultivate sensitivity to the needs and feelings of others. Their talents woven together with moral fiber, the students leave East Manhattan with an enhanced sense of themselves in addition to a strengthened commitment to citizenship. Mr. President, I am honored to represent such people in the Senate and I wish them the best of future success.●

#### THE 1889 JOHNSTOWN FLOOD

● Mr. HEINZ. Mr. President, I rise today to call the attention of the Senate to an important milestone. Today marks the centennial of the 1889 Johnstown flood, a calamity of immense proportion and, to this day, perhaps the worst peacetime disaster to strike an American community.

The magnitude of the flood that swamped this Conemaugh Valley community on May 31, 1889, staggers the imagination. Following the collapse of the earthen South Fork dam 14 miles away, 20 million tons of water in an immense, deadly wave roared down the valley, toppling bridges, smashing brick buildings and tossing locomotives and houses around like so much kindling. In its terrible path, the raging river claimed 2,209 lives, nearly three times the toll of the great San Francisco earthquake in 1906.

News of the destruction, loss of life, and suffering prompted one of the greatest private charity campaigns ever mounted in the United States. Clara Barton organized a massive onsite relief effort by the American Red Cross, and she was one of the scores of volunteers who spent months at Johnstown, feeding and ministering to the homeless and stricken, and completing the grim task of unearthing the disaster's victims.

It took many years for the residents to recover from the effects of the great flood, but the fact that the community did survive and grew into a regional center for commerce and industry is a testimonial to the pride and spirit of the Johnstown people.

The Johnstown Flood Centennial officially begins Memorial Day weekend and concludes Labor Day weekend. During that time, the celebration will feature a calendar of over 100 com-

memorative and special events which stress American's industrial heritage and the tenacity of the people whose strength and resilience made the city strong.

Kicking off the celebration will be the opening of the Johnstown Flood Museum, which has undergone a \$4.2 million restoration and renovation, and the rededication of the National Park Service's Visitor's Center at the Johnstown Flood National Memorial at the site of the South Fork Dam. Throughout the year, there will be pageants, banquets, picnics, tours, and lectures, all designed to spotlight the region's industrial heritage and its significance to the country.

As a centerpiece of the National Park Service's American's Industrial Heritage project, a program that focuses national attention on the development and growth of heavy industry in America, Johnstown will be a catalyst for further economic redevelopment efforts long after the centennial season is over.

Mr. President, on the occasion of the 100th anniversary of the Johnstown Flood, I would like to take this opportunity to commend the officers and members of the Johnstown Flood Centennial Committee and all others working on the project, and to extend my warmest best wishes as they continue their mission.●

#### DRUG-FREE PUBLIC HOUSING ACT OF 1989

● Mr. REID. Mr. President, I introduced the Drug-Free Public Housing Act of 1989 almost 3 weeks ago, on Friday, May 12, 1989. Since then I have been encouraged by the overwhelming support for drug-free public housing in the Senate and House, in the national news media and especially among the public at large.

Drug abuse and drug-related crime are twin scourges that we in Congress have a responsibility to help rid from public housing and all other places where they occur.

An editorial appearing in the Las Vegas Review-Journal 1 week ago, on Wednesday, May 24, summarized extremely well the pestilence of drugs:

The law-abiding citizens who inhabit public housing—the working poor, the single parent struggling to raise three kids, the elderly pensioner subsisting on a small, fixed income—deserve a decent environment, one that's not haunted by crack dealers and junkies.

This observation echoes my rationale for introducing the Drug-Free Public Housing Act of 1989. Everyone has a right to a drug-free neighborhood and safe living conditions. It's not fair to anyone, but especially the residents of public housing, when drug dealers try to take over our neighborhoods and poison our children. I don't want our publicly funded housing de-

velopments to become the small business training ground for drug dealers. I intend to do everything I can to hasten the eviction of drug dealers from public housing.

At this time, I would like to insert the following excerpt from the Review-Journal's editorial. I commend their awareness of this critical issue and their forthright position against drugs in public housing—not just in Nevada, but throughout the United States.

The excerpt follows:

(From the Las Vegas Review-Journal, May 24, 1989)

#### NO ROOM FOR DRUGS IN PUBLIC HOUSING

Apparently taking a cue from national drug czar William Bennett, Assemblyman Jim McGaughy, R-Las Vegas, has proposed legislation designed to shove drug users and drug dealers out of public housing projects in Nevada.

McGaughy's measure, like the one Bennett plans to use in the drug-plagued capital city, would allow public housing authorities to boot druggies out of public housing projects. The bill, AB836, also would allow the eviction of tenants living with a juvenile who committed two drug offenses. Those evicted under McGaughy's plan would be permitted to appeal to a justice of the peace, who would rule on whether the eviction was merited.

This bill deserves the Legislature's approval. The law-abiding citizens who inhabit public housing—the working poor, the single parent struggling to raise three kids, the elderly pensioner subsisting on a small, fixed income—deserve a decent environment, one that's not haunted by crack dealers and junkies.

The generous working people of this country pitch in their hard-earned tax dollars to pay for public housing, and these taxpayers deserve assurance that their money is being used to accommodate the deserving poor, not subsidize illicit drug enterprises.●

#### TRIBUTE TO THE EMERGENCY MEDICAL TECHNICIANS ACROSS THE UNITED STATES

● Mr. LAUTENBERG. Mr. President, I rise to pay tribute and appreciation to the emergency medical technicians and paramedics who risk their lives day after day to help those who are in need of emergency treatment. There are over 400,000 of these special men and women working throughout the United States to rescue and save the lives of others.

Next week, from June 6 to 10, 1989, the National Association of Emergency Medical Technicians will hold its 12th annual conference and meeting in Kansas, MO. At the conference, paramedics and EMT's from all over the Nation will gather to participate in educational seminars and to discuss and examine issues of special concern to them.

It is important to recognize these individuals, who endanger their own lives while attempting to save others, as well as the many EMT's and para-

medics who have lost their lives in the line of duty. I commend these men and women for their courage. They should gain much satisfaction from their service to others and be proud of their accomplishments. ●

#### CHARLES "CAPTAIN" YOUNG

● Mr. McCONNELL. Mr. President, as you know, from time to time I bring to the attention of my colleagues a story that illustrates the contributions made by dedicated individuals in Kentucky. Today, I would like to insert into the RECORD an article from the May 8, 1989, edition of the Louisville Courier Journal which honors one of these individuals: Charles "Captain" Young.

Charles Young, better known as Cap has been working with troubled youths at the Jefferson County Youth Center for over 25 years. Cap spends his days supervising an everchanging group of accused delinquents, troubled teenagers and runaways who have been sent to the center by either the police or a juvenile judge. From 7 a.m. to 3 p.m. each day Cap brings meals to the youths, watches for possible trouble during morning and afternoon classes, teaches them to play cards and basically maintains the quiet in his unit. For the last 2 years, the youth center has faced the problem of overcrowding. Cap faces the problem of keeping control and avoiding rebellion in an area filled with troubled and in some cases emotionally disturbed youths. Experience is important and Cap faces the daily challenges with a mixture of warmth and firmness.

Cap's eight-bed unit is the first stop for youths who get into trouble and part of his job is to give them a sense of direction. It seems that playing cards is one way youngsters at the youth center spend their free time. Cap uses the card games to teach the teenagers that life resembles a card game known as Spades. He tells the youths, "You have to follow the rules, hone your skills, think ahead and never overplay your hand. When I help you play cards, I help you learn how to live."

Cap is an institution at the Jefferson County Youth Center and luckily for the youths who are sent to the center he has no plans to retire. According to Cap, his greatest joy is running into young men and women, who were once sent to the center, and are now living responsible lives in the Louisville area. He is a man who truly loves and appreciates his job every single minute of the day. In the article, Cap stated, "This has been a great contribution to my life. It keeps me young and happy." Cap soothes the kids anxieties and creates a special family type atmosphere in his eight unit block. Recently, he told the kids how much they had brightened his day, one of the youths replied, "We make your

day every day." It is obvious that Cap does the same thing for the youths at the Jefferson County Youth Center.

I commend Charles "Captain" Young for his dedicated service to the troubled youth of Jefferson County. I encourage my colleagues to read this article and to join me in praising this outstanding individual.

The article follows:

[From the Louisville Courier Journal,  
May 8, 1989]

#### TOUGH LOVE—'CAP' YOUNG KEEPS WARM EYE, FIRM GRIP ON TROUBLED TEENS (By Susan Craighead)

For more than 25 years, Charles "Captain" Young has been teaching troubled teens that life is like a game of Spades: You have to follow the rules, hone your skills, think ahead and never overplay your hand.

"When I help you play cards, I help you learn how to live," Young told a few of the 12 accused delinquents and runaways he was supervising one afternoon last month at the Jefferson County Youth Center, Eighth and Jefferson streets. "You got to learn some basic rules. If you don't know 'em, it's you own fault."

Cap, as the kids call him, ingeniously mixes firmness, warmth and a smattering of pontificating to keep order among some of the county's wildest youths. He knows the tempo of their interactions as if it were his pulse.

"Any time a boy or girl gets into trouble, I see them the next morning," he said. His eight-bed unit is the first stop at the center for youngsters brought in by the police or sent by a juvenile court judge. "It's the emergency room. You got to give them a sense of direction, tell them which way to go."

One Tuesday morning his unit housed eight youths: five runaway girls and three boys, one charged with burglary, another with assault and robbery, and the third with receiving stolen property, disorderly conduct and resisting arrest. One of the runaways, a buoyant, pretty girl, had a history of attempted suicide. Throughout the day, additional youths passed in and out of his care.

From 7 a.m. to 3 p.m., Young watches over them. He takes them to meals, doling out utensils and permission for seconds. He stands by in case of trouble during morning and afternoon classes held in the building. In between meals, classes and sessions in the gym, he keeps the peace in his own unit.

At breakfast time, just after 7 a.m., he marshaled his sleepy charges into "a nice single line! Young men in the front! Young ladies in the back! No talking please!" The practiced cadence of his voice and the jangle of the large keys on his belt made everything seem under control.

Horseplay can't be tolerated in the halls of the cafeteria, particularly now that the center is too full; on that Tuesday, it housed 60 teenagers even though it is staffed to handle 40 and equipped to hold 56. Part-time and overtime workers supervise the additional youngsters, who sleep on mattresses on the floor, center director Earl Dunlap said.

The crowding magnifies the challenge of staving off anarchy in a building full of rebellious teen-agers and emotionally disturbed, sometimes suicidal, youngsters. In such an environment, experience like Young's is vital, Dunlap said, but turnover of workers who supervise these youths hit

33 percent last year. Their starting salary is \$11,232 a year.

"Cap can depend on his senses," Dunlap said. "With the experience he has, he knows what is going on in his unit every single minute."

And Cap savors every single minute. "This has been a great contribution to my life," he said, smiling at a boisterous bunch of youths. "It keeps me young and happy."

For him, the joy of the job is seeing young men and women, responsible and happy, on the street or at the grocery store after once knowing them only in the center's green scrub suits and gray sweat shirts. But, he said with a sigh, that doesn't happen very often.

Back in his unit—eight locked single cells and a bathroom opening off a yellow concrete-block day room—the teens had been fortified by scrambled eggs and corn flakes.

They were familiar with the routine. Seven of the eight had spent time in the center before, and the eighth had been detained in another state. They knew without being told, for example, to bring their tooth brushes to Cap after breakfast so he could dole out dabs of toothpaste. Otherwise it might wind up smeared on the walls.

And then, as they dealt the day's first deck of cards, they began the game of testing Cap to see just how much they could get away with.

Young appeared oblivious as he sat down to the daily task of keeping track of every piece of bed linen and clothing in his unit. A youth intent on suicide could hide a towel and use it as a noose; on Tuesday afternoon someone locked in solitary confinement caused a flood by trying to flush a sheet down a toilet.

Within minutes the volume of the card game began to rise as two of the teens vied for leadership. A spirited 16-year-old runaway with a worn-out look in her eyes and a tall, cool young man sniped at each other playfully.

"Y'all just a little too loud, people," Young said firmly, looking up briefly. He repeated himself once and the exuberance subsided.

Later, when the two youngsters again started to get out of hand, he ordered them to stand by the doors to their cells, just to show them he could lock them up if he wanted to. But he doesn't have to follow through on the threat very often, he said, and he very rarely doles out solitary confinement.

"If I lock 'em up for a card game, I wouldn't be being fair," he said.

All but one of the teens remained engrossed in the game until it was time to go either to court or to classes.

A polite 14-year-old girl sat quietly beside Cap, an occasional tear trickling down her cheek. She was scheduled to go to court soon to face a judge who was holding her in contempt of court for running away from home for the third time.

She and Cap didn't talk, but she said later that he comforted her anyway. Without hugs and without tissues, he soothes anxieties. It doesn't matter what the judge says or why you're locked up: "This is our family," said Cap.

His leathery face, tuft of white hair, jolliness of Santa Claus and a figure to match make Cap an institution at the center. At 65, he has no plans to retire. He started his career almost 26 years ago when youths were housed at the ramshackle Diagnostic and Detention Center, at Floyd and Chest-

nut Streets, where a 17-year-old boy died in 1977.

He is proud of the new center which, until crowding became a problem almost two years ago, was considered a national model. He shows off the center's nurses, classrooms and gym, noting that years ago playing cards was all kids had to do.

"It feels good to be part of a movement, just to say I had a part in it," he said. But with too many kids on their hands, he said, the staff has to take an increasingly hard line on youthful high spirits.

The kids' spunk is what Cap seems to love most about his job. "Y'all made my day so far," he told the kids just before lunch.

"We make your day every day," one of the runaways replied with a grin.●

#### NATIONAL BICENTENNIAL COMPETITION ON THE CONSTITUTION AND BILL OF RIGHTS

● Mr. LAUTENBERG. Mr. President, I rise to pay tribute to the students of East Brunswick High School in East Brunswick, NJ, who participated in the National Bicentennial Competition on the Constitution and Bill of Rights during the first week of May. These young scholars worked hard to reach the national finals by winning the district and the State competitions.

The members of the New Jersey team are: Amy Bachenheimer, Andrew Baharlias, Pete Brown, Stacey Carton, Nicole Christie, Rashid Dahaoudwala, Michael DeBlasi, Barat Dickman, Kathy Eng, Mitchell Getz, Scott Gillette, Steven Goldman, David Greenberg, Yi-Na Hsing, Robert Kaplan, Ari Karpel, Ester Kim, Eric Mercer, Brian Murray, Kim Phillip, Michael Schoen, Scoot Schwartz, Brian Sinclair, Gayle Soloman, Julie Steinberg, Marcie Wilkofsky, and Elysa Wolfe.

Along with the students, their teacher, John Calimano, deserves much credit for the success of the team. As well, Robert J. Flood, the district coordinator, and Alan Markowitz, the State coordinator have worked hard to help their team reach the finals.

The National Bicentennial Competition on the Constitution and Bill of Rights educates young people of all ages about the principles and values embodied in the Constitution and Bill of Rights. It helps increase understanding of the Constitution, the Congress, and the continuing responsibilities of citizenship.

The preservation of our freedom and our Nation depends upon our young people, the decisionmakers of tomorrow. I am proud that students from my State reached the national finals and I commend each of them for their hard work.●

#### FOSTER GRANDPARENT PROGRAM

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to the Foster

Grandparent Program of Rockland County, NY.

For 21 years, the Rockland County Council for Senior Citizens, Inc., has sponsored this program which matches senior citizens with children with special needs. Foster grandparents provide warmth, compassion, love and understanding to children with developmental, emotional, physical, and cultural disabilities. This program, like other volunteer organizations, helps everyone involved. The children obviously benefit from the special care and attention they receive, and the foster grandparents have the opportunity to keep active and show their humanity to another person. As members of the first New York State Foster Grandparent Program, the 76 volunteers provide about 80,000 hours of service to 380 children of Rockland County.

This year, the Foster Grandparents of Rockland County began a special program to help teenage mothers and child care for infants and toddlers. This is just one example of the many fine programs provided by the agency to help youth develop their self-confidence, self-esteem, and self-image.

Mr. President, there is no greater treasure than our youth. I am sure my colleagues join me in saluting these special volunteers who dedicate themselves to helping those children in trouble.●

#### AMERICAN YOUTH SOCCER ASSOCIATION

● Mr. WILSON. Mr. President, today I wish to stand and recognize the American Youth Soccer Organization on the occasion of its 25th anniversary.

AYSO has encouraged the betterment of over 1 million boys and girls through the character building and good-natured competition found in soccer. Competitive sports are vitally important, building confidence in our young people, and helping them feel good about themselves. Our children are our future, and the good experiences that AYSO provides in their childhood reflect positively in their adulthood.

This nonprofit soccer organization, founded in Torrance, CA, by five dedicated men, has been in operation since 1964, and has since spread to 38 States and Puerto Rico, currently involving 310,000 players, ages 5 to 18 years old, and 150,000 volunteers. From its humble beginnings of 9 teams, there are now over 22,000 teams. Its philosophies of balanced teams, open registration, and positive coaching make the sport rewarding for everyone.

Soccer has become a tradition of modern childhood, as the American Youth Soccer Organization teaches American children in California and elsewhere the meaning of good sportsmanship through their motto, "Every-

one Plays." Soccer has become a staple of the American weekend, as thousands of families gather during soccer season at their local playing fields to cheer on their sons and daughters.

Today, I am proud to salute the organizers and the thousands of volunteers that make AYSO a great American organization and a benefactor of America's future in this Chamber of the U.S. Senate.●

#### THE 294TH ENGINEER COMBAT BATTALION

● Mr. BRADLEY. Mr. President, June 6, 1989, marks the 45th anniversary of D-day—the day which the Allied forces invaded France and began the march that led to victory in Europe during the Second World War. It is appropriate that on this day the people of Sherborne, England, will honor the 294th Engineer Combat Battalion of the United States Army for their bravery during World War II. I ask my colleagues to join me in recognizing this occasion and thanking the battalion for all they have done to secure our freedom.

The 294th Engineer Combat Battalion was activated on March 18, 1943, at Camp Gordon and assigned to the 2d U.S. Army. Following training in Tennessee maneuver area and at the desert training center in California, the battalion departed from Boston for England on January 20, 1944. The battalion was highly trained to help multiply the combat power of infantrymen and they were involved in some of the most crucial phases of the war. The 294th Engineer Combat Battalion was on the front lines, building defensive positions and ensuring the transport of armor infantry troops.

This brave group of soldiers played an integral part in the Allied invasion of Europe. They arrived in France on Utah Beach on June 7, 1944, and supported the 4th Infantry Division engineers as they advanced across the Cotentin Peninsula. They continued to serve through the northern France, Rhineland, Ardennes-Alsace, and Central Europe campaigns.

Members of the 294th Engineer Combat Battalion gave their lives so that we could all live in dignity and freedom. We are thankful for their sacrifice, and join the people of Sherborne in honoring the 294th Engineer Combat Battalion for their heroism.●

#### CONGRESSIONAL BUDGET OFFICE REPORTS ON S. 85 AND H.R. 999

● Mr. JOHNSTON. Mr. President, on May 25, 1989, the Committee on Energy and Natural Resources filed reports to accompany S. 85, a bill to authorize the acceptance of certain lands for addition to Harpers Ferry

National Historical Park, WV; and H.R. 999, an act to reauthorize the Advisory Council on Historic Preservation.

At the time these reports were filed, the Congressional Budget Office had not submitted its budget estimate regarding these measures. The committee has since received these communications from the Congressional Budget Office, and I ask that they be printed in the RECORD in full at this point.

The reports follow:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, May 25, 1989.  
HON. J. BENNETT JOHNSTON, JR.,  
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 85, a bill to authorize the acceptance of certain lands for addition to Harpers Ferry National Historical Park, West Virginia, as ordered reported by the Senate Committee on Energy and Natural Resources on May 17, 1989. CBO estimates that enactment of this bill would result in no significant cost to the federal government and no cost to state or local governments.

S. 85 would authorize the Secretary of the Interior to accept the donation of about 21 acres of land outside the current boundaries of the Harpers Ferry National Historical Park.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, May 25, 1989.  
HON. J. BENNETT JOHNSTON, JR.,  
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 999, an act to reauthorize the Advisory Council on Historic Preservation.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: H.R. 999.
2. Bill title: An act to reauthorize the Advisory Council on Historic Preservation.
3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources, May 17, 1989.
4. Bill purpose: H.R. 999 would extend the authority of the Advisory Council on Historic Preservation to carry out its functions under the Act of October 15, 1966. For this purpose, the act would authorize the appropriation of up to \$2.5 million for each of fiscal years 1990 through 1994.

For 1989, the council was appropriated \$1.8 million. The Reagan Administration's request for fiscal year 1990 was \$1.8 million.

5. Estimated cost to the Federal Government:

(By fiscal year, in millions of dollars)

	1990	1991	1992	1993	1994
Authorization level .....	2.5	2.5	2.5	2.5	2.5
Estimated outlays .....	2.3	2.5	2.5	2.5	2.5

The costs of this act fall within budget function 300.

Basis of estimate: For purposes of this estimate, CBO has assumed that H.R. 999 will be enacted before the beginning of fiscal year 1990 and that the full amounts authorized will be appropriated for each fiscal year. Outlays have been estimated on the basis of historical spending patterns for the salaries and expenses account of the advisory council.

6. Estimated cost to State and local government: None.

7. Estimate comparison: None.

8. Previous CBO estimate: On April 6, 1989, the Congressional Budget Office prepared a cost estimate for H.R. 999, as ordered reported by the House Committee on Interior and Insular Affairs on April 5, 1989. The estimated costs of the two versions of the bill are the same.

9. Estimate prepared by: Deborah Reis.

10. Estimate approved by: C.G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.●

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to a respected Orange County Legislator who was recently named "Man of the Year" by the town of Newburgh Republican Committee. As Orange County legislator, Albert A. Favoino serves his community with great dedication. I am proud to offer him my personal congratulations to him on this occasion.

Mr. Favoino has had a remarkable and extensive career. His political experiences and interests are broad—he has chaired or belonged to groups and boards dealing with airports, fish and wildlife management, aging issues, and justice and public safety. As a community member, Mr. Favoino has been equally involved. Since 1978, he has been a member of St. Luke's Hospital's board of directors, and is presently treasurer of the hospital. As a former member of the YWCA board of directors, he was the YWCA campaign chairman for their new building. Over the years Al Favoino has belonged to the Newburgh Lodge of Elks, Knights of Columbus, the American Legion, and the Eastern Orange County Chamber of Commerce.

I salute Al Favoino for his many years of service to his community. I am sure my colleagues join me in sending our best wishes to Al and his family on this special occasion.●

HONORING CHINESE FOR AFFIRMATIVE ACTION

● Mr. SIMON. Mr. President, I rise today to pay tribute to Chinese for Affirmative Action [CAA], an organization that has ably served Asian-Americans throughout the nation for the past two decades.

Chinese for Affirmative Action, headquartered in San Francisco's Chinatown on the site of that city's first bookstore, was founded 20 years ago to protect the civil rights of all Americans of Asian ancestry. While the name of the organization might suggest it is strictly concerned about affirmative action in the hiring and employment areas, CAA has taken the term in its broadest context.

From its beginnings 20 years ago, CAA has advocated for equal opportunity for Asian-Americans in all aspects of public affairs. In the late 1960's, CAA went all the way to the U.S. Supreme Court in the Hampton versus Mow Sun Wong litigation, which greatly opened up the Federal civil service to Chinese-Americans.

For many years, CAA has made voting rights for Asian-Americans a top priority. Chinese for Affirmative Action has assisted in nonpartisan voter registration drives and conducted classes to familiarize Chinese American citizens with the actual voting process. CAA testified before Congress in 1981 for the retention of the bilingual ballot provisions of the Voting Rights Act. More recently, I worked closely with Chinese for Affirmative Action and other groups to retain the Asian-American identifier in the 1990 Census questionnaire.

I recently met Henry Der, who for 15 years has been the tireless executive director of Chinese for Affirmative Action. In November, he testified before a Senate seminar I held with Senator THOMAS DASCHLE on university admissions policies that unfairly treat Asian-American students. In March, Henry Der hosted with Congresswoman NANCY PELOSI a community meeting to discuss my legal immigration reform bill. I took from that meeting some new insights into the immigration concerns of the Asian-American community and great appreciation of the spirit and drive of CAA.

Mr. President, two articles from the Washington Post and San Francisco Examiner more fully describe the fine work of Chinese for Affirmative Action. I ask that they be entered following my remarks in the RECORD.

The articles follow:

[From the Washington Post, Apr. 16, 1989]

PREJUDICE AGAINST EXCELLENCE

(By George F. Will)

SAN FRANCISCO.—The University of California at Berkeley says it is sorry. About time, you may say, remembering the 1960s. But the chancellor's grudging apology pertains to something recent, something that looks like racism practiced by a bastion of liberalism.

In a statement in which circumspection competed with contrition, the chancellor said that "decisions made in the admissions process indisputably had a disproportionate impact on" Asian Americans. He blamed "insensitivity." But the real reason may be

resentment of people who are "different" and have the temerity to be excellent.

One group sensitive to that is the unfortunately named Chinese for Affirmative Action, located in Chinatown in, appropriately, a building on the site of San Francisco's first bookstore. CAA knows that Asian Americans are facing what Jews once faced: the resentment reserved for "outsiders" pressing for a fair share of the status conferred by elite institutions. Like American Jews before them, Asian Americans have an intense desire to achieve social mobility by means of education, respect for which is inculcated by cohesive families.

Generally, "race-conscious" policies are advertised as "remedial." They supposedly place floors beneath particular groups, guaranteeing a certain level of social participation to disadvantaged people. But race-conscious policies toward Asian Americans may place ceilings through which they are not allowed to rise.

Recently, Berkeley revised the formula by which applicants are evaluated. The new weighting—less weight for high-school grades, more for verbal tests—disadvantaged Asian Americans, many of whom have English as a second language but are academic "overachievers."

An interesting term, "overachievers." "Over" what? Over their quota of excellence? Of America's rewards? Who sets these quotas?

About 9 percent of California's high school graduates are Asian Americans. Today, 26 percent of Berkeley's undergraduates are Asian Americans. There probably would be more were it not for race-conscious social engineering in the name of the latest theory of distributive justice.

Evaluating the aptitudes of young people for higher education is difficult. Academic freedom requires granting universities discretion in devising admissions policies. However, universities must be monitored because they have proven themselves susceptible to intellectual fads and politicization. California, particularly, is a polyglot state sunk deep in the dangerous business of racial discrimination on behalf of government-approved minorities deemed "under-represented" in this or that.

The name Chinese for Affirmative Action reflects a felt need to participate in an ethnic spoils system. However, affirmative action discriminated against Asian Americans by restricting the social rewards open to competition on the basis of merit. We may want a modified meritocracy, but it should not be modified by racism and the resentment of excellence. An egalitarian democracy is prone to such resentment.

Coinciding with rising academic attainments by Asian Americans has been a suspiciously sudden tendency by colleges across the country to deemphasize high school academic performance of applicants. Admissions offices place more emphasis on, for example, extracurricular activities. Henry Der, executive director of CAA, says Asian Americans are "developing a paranoia that they are not well-rounded." They are, he says, sometimes too academically driven, too focused on math and science. Now in self-defense, they are "attacking extracurricular activities the way they attack calculus."

Der cites a white student who said, "If I walk into a classroom and see five or more Asian Americans, I'm not going to enroll because they will drive up the grade curve." Lowell High School here is 60 percent Asian American, and some parents say, "I don't want my child to go there because he will

not have leadership opportunities." That, says, Der, is just flinching from competition. There even is talk of making whites an affirmative action group to protect them against Asian-American competition.

Yes, the "Yellow Peril" is back, this time dressed in the language of liberalism. We have been here before, with "the Jewish question."

Earlier in this century, quotas restricting Jews in universities were defended as liberal measures to prevent anti-Semitism. Thus Harvard's president in 1922: "If every college in the country would take a limited proportion of Jews, we would go a long way toward eliminating race feeling. . . ."

Universities are incubators of future elites, and some Americans resent Asian Americans storming the citadels of status. However, Asian Americans lead all other ethnic groups, including WASPs, in educational attainments. America needs more university students like Asian Americans.

At a time of high anxiety about declining educational standards and rising competition from abroad, and especially from the Pacific Rim, it is lunacy to punish Asian Americans, the nation's model minority, for their passion to excel.

[From the San Francisco Examiner,  
Apr. 30, 1989]

#### HENRY DER MARCHES ON—CHINESE-AMERICAN ADVOCATE STRIVES TO UPHOLD RIGHTS

(By Dexter Waugh)

Henry Der is a gadfly of a particular order, a Chinese-American wasp whose constant stings have set the American social cow to lumbering a little farther down the road of equal rights.

Yet, after 15 years as executive director of Chinese for Affirmative Action, Der knows very well that the beast will come to a halt, maybe even back-step, if the stings ever stop.

"It's the same ol' same ol', always going back to the basics," Der said. "If you don't stay on top of it, things won't get done."

Since 1974, Der has steered CAA, the Chinatown-based civil rights organization that is 20 years old this year, through a wide sea of sometimes controversial causes. The guiding principle always has been the same—to protect the rights of Chinese Americans and by extension everyone else.

"Securing equality for any one group secures equality for all Americans. It has that kind of ripple effect," said Dr. Allan Seid, a Palo Alto psychiatrist long active in Asian-American causes.

Der, the son of immigrants, was born in Chinatown and raised in Stockton. He served in the Peace Corps in Kenya after graduation from Stanford in 1968. He credits the influence of his minority school teachers, as well as the "ethnically diverse, poor neighborhood" where he lived, for shaping his values. A fifth-grade teacher, for instance, went off to Ecuador to work—"that impressed me, that he wanted to work in a Third World country," Der said.

#### CAA'S MANY BATTLES

Der's unflinching outspokenness has taken him from City Hall to Sacramento to the rarefied air of the State Bar of California board of governors.

"He's fearless," state Court of Appeal Justice Harry Low said. "And he's able to articulate his positions very well . . . part of his success is he can deal with people because they know he is totally committed, he's honest in his positions.

"It's refreshing to have people like that around," Low said.

Some of the battles CAA and Der have fought include:

Ensuring that as many different Asian-American groups as possible are counted in the 1990 Census, rather than being lumped into one category as the Census Bureau was planning to do.

Ridding, UC-Berkeley of bias against Asian Americans in its admissions processes.

Criticizing Attorney General John Van de Kamp's 1987 organized crime report for stereotyping Asian-American groups as posing a significantly greater law enforcement problem than other groups.

Der was among the first public members—non-attorneys—appointed (by then-Gov. Jerry Brown) to serve on the Bar's governing body.

"Henry stands in my mind as the most dedicated civil rights activist I've ever met," said Diane Yu, the Bar's general counsel.

Although Der said he wasn't readily accepted by many of the attorney members, Yu said Der was "well regarded. He did his homework, he was well versed on the issues. He was effective in raising the non-lawyer perspective, as to how the profession is perceived."

#### NO ROOM AT THE INN

Tom Low, former Bar prosecutor, recalled that the Bar's practice was to provide hotel rooms at the Clift for out-of-town board members whenever there was a meeting in San Francisco. Once a staff member called Der. "The funny thing was, here we were in the middle of a financial crisis," Low said. "They asked if he wanted a room at the Clift. Henry said he lived in San Francisco. They said, 'We know. Do you still want a room?'"

Der, whose work on the board's finance committee helped get the Bar's books back in order, was properly offended and turned down the offer.

Friends and admirers think Der, 42, the father of three children, should have moved on by now, into politics or a more financially rewarding corporate or government sinecure.

Der said his wife, a school teacher, would be more than happy if he cut back his work hours.

CAA's budget is relatively small—around \$400,000—and its staff salaries are not large. "He's sometimes hard to figure out," Low said. "He could do something else, yet he chooses to work at CAA. He's not a guy who always asks for money—just a dedicated person. I guess that's why I admire him."

Der and CAA have angered some people, but others like Harold Yee of the minority business development firm, Asian Inc., think they've stepped on "not as many toes as we'd like to see."

"But in my impatience in wanting them to do more," Yee said, "I also recognize they don't have the resources to do it."

Der rolls his eyes when asked why he hasn't moved on. "I haven't been offered any jobs," he said.

As for politics, Der ruled it out long ago. "When I was in junior high school, I was student body treasurer. The faculty adviser was telling us what to do—that one year, I decided, 'This is a bunch of nonsense.'

"We all have our different roles to play," he said.

### FEDERAL ASSET DISPOSITION ASSOCIATION

● Mr. WILSON. Mr. President, I rise today, while the Congress continues to grapple with legislation to reform the savings and loan industry, in an attempt to complete some unfinished business. On April 20, 1988, the former chairman of the House Committee on Banking, Finance and Urban Affairs, Mr. St Germain, placed in the CONGRESSIONAL RECORD a staff report on the Federal Asset Disposition Association [FADA], which served as a biting attack on Roslyn Payne, the former president and CEO of FADA.

I bring this matter to the Senate's attention because this staff report was printed in the RECORD at the cost of \$18,000 and bypassed normal House Banking Committee procedures, as noted in that day's RECORD by Mr. WYLIE. Indeed, normal procedure would have been for the staff to submit the report to the committee for its review and official approval, which would have cost the taxpayers only \$1,400. The report was controversial to say the least, and Mr. WYLIE, at the time, stated on the House floor that he hoped that "there is nothing libelous in it and having said that, I do not want to leave the implication that I am approving the report by not objecting to the unanimous-consent request" by Mr. St Germain. The report took up 44 pages in the RECORD.

The staff report made numerous allegations—a thorough airing of the allegations would take far too long of the Senate's time than we have available, and would duplicate the cost incurred by the taxpayers due to the publication of the House Banking Committee's report in the RECORD. They range from conflict of interest charges to the misuse of FADA credit cards, hiring favoritism, irresponsible fee charges, and others. I believe that each person who has an interest in this issue should read the report of the Office of the Inspector General of the Federal Home Loan Bank Board. Doing so will give the reader a fair examination of the charges, and will demonstrate that many of these charges were without basis and only served to cause considerable damage to Roslyn Payne's reputation.

The House staff report charges Ms. Payne with conflict of interest, by inaccurately stating that Ms. Payne held stock in a corporation dealing with real estate investments; with the misuse of FADA credit cards, which were never used by her husband as alleged by the staff report; with duplicating business expenses which occurred through a quickly-rectified FADA staff error; and with hiring favoritism, despite the Banking Committee staff's knowledge that the FADA used the prestigious executive search firm Korn/Ferry International to assist in the selection process.

FADA functioned in an extraordinarily difficult and political environment. Fulfilling FADA's charter—to manage and sell assets of failed thrifts—would be difficult at best even in a nonpolitical atmosphere. Reading the inspector general's report gives an observer just a bit of the flavor surrounding FADA's difficult mission. Even Ms. Payne's salary and the salaries of her staff were under scrutiny, despite the fact that the salaries of the heads of both Fannie Mae and Freddie Mac were higher than Ms. Payne's. Indeed, Touche Ross' report, according to Federal Home Loan Bank Board Chairman Danny Wall, "confirms that the FSLIC is getting a much better value for its dollars spent with FADA than with other private contractors. \* \* \*"

Overall, Mr. President, I believe that it should be stated for the record that Ms. Payne throughout her tenure set high levels for professional conduct. At the least, she deserves to have the record set straight on her behalf. I hope that all interested parties will examine the inspector general's report with as much fervor as they did the House Banking Committee's staff report.●

### THIRD GRADERS WORK TO PRESERVE THE WORLD'S RAIN FORESTS

● Mr. SIMON. Mr. President, I want to recognize and call to the attention of my colleagues the efforts of the third grade class from Sager Solomon Schechter Day School, of Northbrook, IL. Because of their concern for the world we live in, and their particular focus on some of our major environmental problems, they have been raising money to help save the world's rain forests. These children are spending their afternoon and weekends going door to door in their neighborhoods, collecting money to be used in protecting the rain forests.

I share their interest and concern. The destruction of the world's rain forests will likely have a domino effect on many other environmental problems. We must act to stop this deterioration quickly and effectively. The costs of deforestation are tremendous. As the rain forests are destroyed, we lose irreplaceable varieties of plants and animals found only in those parts of the world. Deforestation contributes to global warming—the greenhouse effect—a concern for all nations.

As concerned neighbors to all of the world's population, we must work closely with other nations to help them find ways to develop their economies without causing environmental damage. And as world leaders in industry, we must take a leading role in ecological conservation efforts.

The Sager Solomon Schechter Day School is working to support the Chicago Rainforest Action Group, a Chicago-based rain forest advocacy organization. I want to thank the students for their efforts, and I hope the concern of these children helps inspire more of us to work together to prevent further destruction of these vital natural resources.●

### THE 75TH ANNIVERSARY OF KEW GARDENS CIVIC ASSOCIATION

● Mr. MOYNIHAN. Mr. President, very often, the value and work of civic organizations are overlooked. Civic associations are intrinsically tied to the most fundamental aspects of community life. Members of the community serve in these associations for the benefit of the young, of the elderly, of families—for the well-being of the entire community.

The Kew Gardens Civic Association is certainly no exception. Founded in 1914, the association this year celebrates 75 years of service. In fact, the establishment of the association is intimately tied to the very development of the Kew Gardens Community.

In the early years of the community, the civic association saw to it that utility poles were routed underground or through backyards, instead of obstructing the beauty of tree-lined streets. In 1924, when it became apparent that the small frame house that was being used as a school was inadequate, the civic association supported the building of a modern schoolhouse. And, in 1968, the association urged that this school be expanded and remodeled. Today, the school serves as a public center, utilized by both young and old.

This is not all. Whether successfully converting a deteriorating old lot into a lovely park or negotiating with developers to preserve the beauty of a neighborhood while allowing for progress, civic associations serve as the guardians of the community.

Mr. President, the Kew Gardens Civic Association has accomplished all of these things. For its 75 years of service to the entire community, for its continuing contribution to the preservation of the area's unique character, and for its efforts at improving the lives of each of its residents, I salute the Kew Gardens Civic Association and similar associations throughout New York State and the Nation.●

### NAVY'S OAKLAND FACILITY A COST-SAVINGS MODEL FOR DOD

● Mr. WILSON. Mr. President, I wish to bring to your attention this morning a letter appearing in the Military Forum: The Magazine for Defense Acquisition, Logistics and Training, writ-

ten by the distinguished Senator from Utah, ORRIN G. HATCH.

Senator HATCH makes a point that I have argued for years: that military officials and community leaders can work together in reducing defense costs.

Senator HATCH takes issue with a minority comment to the report of the Base Closure and Realignment Commission, charging that the Navy failed to cooperate fully. Rather, as Senator HATCH points out, there are alternatives to simply shutting a base. He cites the cooperation of the Oakland Port Authority and the Navy in working out a program that will no doubt enhance the economic well-being of the region, as well as our national security. I therefore request that the letter be printed in the CONGRESSIONAL RECORD.

The letter follows:

**NAVY DID NOT "STONEWALL" COMMISSION**

The Base Realignment and Closure Commission's December 1988 report contained a curious remark by former Sen. Tom Eagleton. "[They] stonewalled and got away with it," he said of the Navy. If there were other members of the commission who shared this view, they did not express it. Aside from former Navy Secretary Graham Clayton and retired Vice Adm. William Rowden, I noted very few ardent Navy supporters on the commission.

Nor was there any absence of Navy installations on the commission "hit list." In fact, the closure of the three naval stations at Hunter's Point, California, Lake Charles, Louisiana, and Brooklyn, New York—along with the recommended removal of the Navy hospital in Philadelphia from the active installation inventory—affected the Navy's logistics and personnel support capabilities rather markedly. Collectively, these four sites will surrender 5,188 military and 787 civilian positions. Only Air Force losses at Pease Air Force Base in New Hampshire, the Norton, Mather and George bases, all in California, and the Army's loss of Fort Dix, New Jersey, and Fort Sheridan, Illinois, exceeded this Navy loss.

I focus on the Navy issue because of my long-standing concerns for military readiness, and especially the support base from which logistics and maintenance capabilities combine to protect against the consequences of unpreparedness against surprise attacks.

In thinking through the base commission's report, Eagleton's remarks, the closure impact on existing Navy logistical facilities and the readiness issue, I concluded that the Navy is doing many things well, and therefore may have left an illusion of non-participation or lack of cooperation. Allow me to explain.

First, it is illusory, and quite dangerous, to attempt to compare Army, Navy and Air Force supply networks and the nodes that form their nerve centers. The missions and functions of the three services defy a common logistics organization.

Although I support common logistics programs, and have long been a proponent of the Defense Logistics Agency, one cannot neatly overlay a common supply organization on all three services, least of all the Navy. Navy supply networks support "moving targets." Its fleet support activities, to include naval aviation, are not effi-

ciently serviced by a set of fixed logistics centers or commodity commands like those of the Air Force and Army, most of which, of course, are in our continental interior.

Nor can the Navy afford to totally dispense with duplication. The "area-oriented depot" systems of the Army and Air Force support fixed basing and posting networks worldwide. The Navy has no such luxury. Its area support activities must be functionally as well as geographically sliced into still smaller shares to service a mobile and increasingly engaged combat force.

The Naval Supply Center at Oakland, California, typifies this type of support function, although on a grand scale since it annually processes 1.6 million requisitions for the 700,000 separate line items in its warehouses. From this port the Naval Supply Center supports the entire Pacific region, including the fleets.

Another compelling advantage of Oakland is its unique warehousing system. The Navy has installed over a five-year period one of the world's largest, state-of-art customized warehouse system. NISTARS—naval integrated supply tracking and retrieval system—is a complex, computer-based, item management process. Every conceivable type of handling task is either mechanized or, where left in the manual mode, monitored by software. Unisys installed the system, which has counterparts installed by Eaton-Kenway in most Army depots.

The Navy also has a record of innovativeness, if not ingenuity, in reducing maintenance costs, securing off-budget industrial and construction funds and engaging in partnerships with host civilian communities.

An example is the joint venture between the Naval Supply Center and the Oakland Port Authority. The venture clearly serves the needs of both parties. The port needed to expand. Indeed, urging the closure of the Navy Supply Center was a very viable option because the port could absorb the site in great part. But the Oakland city fathers were to have it both ways: They would keep the base and expand the port.

What does each part gain? The Navy would lease for 25 years a little used, outdated section of the base to the port. The port badly needs a rail container transfer facility to sustain and increase its access to mid-western and eastern shipment and reception points. This will allow shippers to avoid using the Panama Canal by going to Oakland, then shipping overland by rail to trucking facilities in cities like Columbus, Cincinnati, Atlanta, New Orleans and even New York.

The port and city of Oakland will raise money for facilities improvements from their own resources, as well as from the port's rail, sea and trucking customers.

The Navy gains in several ways. A substantial facilities improvement program enhances its mobilization potential. Forty percent of all West Coast supply movements will go through Oakland, 85 percent of which will be containerized cargoes. Under the memorandum of understanding between Navy and port officials, as sanctioned by the fiscal 1987 Defense Authorization Act, the Navy retains title and easement rights during the leasing period. Importantly, the federal statute allows the Navy to prescribe uses of the lease-generated revenues, subject to approval by Congress.

In short, imagine the consequences for this innovative and valuable venture if the Naval Supply Center had been put on the base commission's hit list. Our mobilization potential would have been crimped. Also,

community relations would have soured, not only because of the loss of the Navy payroll, but also because of the message that such initiatives are unwelcome.

I hope my friend Tom Eagleton will reconsider his threat that the next base closing study "should most certainly start with the Navy." Like the former senator, I have no parochial interest in Navy spending in the state of Utah, which by comparison makes Missouri assume the character of a coastal state; but also like Senator Eagleton, I seek savings and economies in the DOD budget. The Navy has found one such way, and I challenge the other services to match it.

Senator ORRIN HATCH,  
U.S. Senate.

WASHINGTON, DC. ●

**SHAMIR PEACE PLAN**

● Mr. SIMON. Mr. President, I rise today to speak of the Israeli Cabinet's endorsement of the Shamir Peace Plan. Prime Minister Shamir has worked hard to present a fair plan, and I believe we ought to support the Government of Israel's decision to pursue the Prime Minister's ideas.

The plan offers a way out of the current political impasse. Free and secret elections in the territories are proposed, after which a transition period will be set up. During this 5-year transition, elected Palestinians will rule themselves. The elected Palestinian representatives will sit down with Israeli negotiators to discuss a permanent solution to their conflict no later than the third year following self-rule. Jordan and Egypt may join the negotiations if they desire to do so.

Looking ahead to the negotiations for a permanent solution, all subjects will be on the table. The goals are clear: An acceptable solution to the Palestinian-Israeli conflict, and the establishment of permanent borders and peace with Jordan.

Mr. President, I sense that all parties to this conflict are prepared to move forward. The Israeli Government is clearly willing to negotiate in good faith, and they have presented a good offer which should be met by a positive response from the Arab world. The Bush administration can play an important role, but it must first be willing to get involved with the peace process at the highest levels. We can be an honest broker by encouraging progress and taking a risk for peace as we did in the Camp David accords of a decade ago.

I commend Prime Minister Shamir for his important contribution to peace, and I applaud the support he received from all parties in Israel. ●

**WHY KIDS GET INTO DRUGS**

● Mr. HOLLINGS. Mr. President, I was struck by a op-ed piece in the May 18 Washington Post by William J. Byron, S.J., president of the Catholic University of America. Father Byron

makes a compelling case that, in our effort to steer kids away from drugs, it is not enough just to invoke the slogan "Just Say No." The roots of drug use by young people are just too complex for such a simplistic approach.

Father Byron writes that our consumer culture confuses the easy life with the happy life; we deny the value and purpose of adversity and challenge. Kids turn too easily to drugs as a convenient escape, rather than dealing affirmatively and creatively with life's problems and difficulties. Obviously, parents and teachers and loved ones must do a better job of guiding our children to cope rather than cop out.

Mr. President, I commend this excellent article to my colleagues, and I ask that it be printed in the RECORD.

The article follows:

[From the Washington Post, May 18, 1989]

(By William J. Byron, S.J.)

#### WHY KIDS GET INTO DRUGS—A LOOK AT THE DEMAND SIDE

Ask the 16-year-old drug abuser from any class, race or ethnic division why he or she abuses drugs or alcohol and you'll get a mumbled explanation about having "nothing to do" and living in a situation where "everybody else is doing it."

Deep down on the demand side of the problem of drug abuse in America lie three causal considerations. First is the desire—known to every normal, healthy person—to experience the exhilaration of a "high." Drug-induced highs, however, bring with them a dependency on drugs. Highs resulting from athletic, academic, artistic or other achievements are, of course, unaccompanied by damaging and eventually destructive dependencies. But such highs do not come easily.

The second causal consideration on the demand side for drugs is the desire to avoid pain—physical or psychological pain. In a culture that cannot tolerate the thought of pain—physical or psychological—it isn't surprising that avoidance of all pain, at all times, by all means, should become something of a supreme value. Our cultural denigration of pain, disappointment, discouragement and monotony encourages escape at any price.

Our collective passivity resulting from a growing preference to have everything ready-made, available on demand and without delay, has left us holding the bag of boredom. "There's nothing to do!" We wait impatiently to be "turned on" and thus render ourselves vulnerable to drug-induced flights not just from humdrum reality, but from the human challenge of transforming reality by the exercise of human creativity. And creativity, even when inborn, does not develop easily.

The third causal consideration in examining the "why" of the human demand for drugs is biological. Babies born of addicted mothers are themselves addicts, right from the start. Other biological predispositions to addiction are possible, but they will not become additions if addictive substances are never used. The determination to refuse does not come easily, especially when "everyone's doing it." It is not easy to resist peer pressure, to swim against the everyone-is-doing-it tide.

There are reasons, of course, why apparently normal people—young people for the

most part—will turn to drugs for the experience of a high. Some like to take risks. Risks-takers often fail to measure carefully the consequences. And where addictive substances are involved, risk-takers rarely recognize that one experience can lead to the captivity of addiction—not cause it immediately but lead to it inevitably. Risk-taking is as easy as ignorance, and no less damaging. It is not easy to avoid destructive dependencies.

There are also reasons why normal young people want to avoid pain. Most are obvious. Less obvious is the fact that commercial advertisements have instructed them to take pills for the elimination of headache and heartburn long before they knew what these maladies were.

Pain has no redemptive value in the value system of a secular society. And the "no pain, no gain" equation applies only to weightlifters and athletic overachievers, not to normal folks. Pain, in any case, is never easy to bear.

Psychological pain is more often felt than understood by the young. Typically, it is just left unattended and unanalyzed. To the adolescent eye, everyone else is happy, except me. All others feel good about life and about themselves; I'm the only one with the problem.

Adolescents appear to take strange delight, we know, in making classmates and other peers feel uncomfortable. They project upon others, more often than not, their own unease, insecurity, and self-deprecation. If only they would open up and talk about the dark view they have of themselves. But it is not easy to open up and drop the mask. It is not easy to admit to one's self-doubt or deficit of self-esteem. Besides, who would want to listen? Who's around to listen or to care? So adolescents are vulnerable to the easy exit, to the seduction of drug-related escapes from psychological pain.

What might be done about all this? How can parents, helping professionals, or just friends, put themselves between potentially troubled adolescents and their problems?

Just about everyone has a healthy appetite for the highs this life has to offer through legitimate pleasure and honest achievement in balanced and what Edward Bennett Williams used to call "contest living." The contest confronts us every day. The balance is between matter and spirit, soul and body, faith and reason. The contest is never an easy victory, nor is the balance ever easy to achieve.

Those of us who have gone before today's young people in the practice of life are not necessarily ahead of them in wisdom. We have, for the most part, confused the easy life with the happy life. We are quite wrong about that, and we now hope they will not be condemned to learning that lesson for themselves.

To the young we should be saying simply this: Do not be taken in by the big lie our culture of consumerism perpetuates. Do not believe that to have is to be, that to have more is to be more fully human, and, worst of all, that to live easily is to live happily.

If they can say yes—and really mean it—to that simple lesson, the young will be able to say no to drugs. If enough of them do, the bottom will fall out on the demand side of the market for drugs. In the face of no demand, the supply we seem to be unable to control will no longer be the problem we seem to be unable to solve. ●

#### ROY STRENGTHOLT, HOLLAND, MI

● Mr. LEVIN. Mr. President, I want to take this opportunity to recognize Mr. Roy Strengtholt of the Donnelly Corp. in Holland, MI. Mr. Strengtholt was honored this month as the Michigan Exporter of the Year.

For the past 10 years, Mr. Strengtholt has devoted his talents and time to developing, promoting, and distributing a glass that is undercoated with silicon dioxide, which extends the life of Liquid Crystal Displays (LCD's) used in calculators, watches, and other products.

Roy Strengtholt helped develop this conductive coated glass, which is now considered one of the most technically advanced products of its kind. He then took on the challenge of building a reputation for Donnelly glass in overseas markets. Today, this conductive coating is considered the best in the world by customers in the Far East.

He deserves special recognition, not only for realizing the need for such a coated glass, but also for his perseverance in developing and improving this new product, as well as securing the information and know-how necessary for doing business in foreign markets. It is business people such as Roy who enhance Michigan's reputation as one of the foremost States in industry and technology.

It is my pleasure to salute Roy Strengtholt on his selection as Michigan Exporter of the Year. ●

#### OLDER AMERICANS MONTH

● Mr. RIEGLE. Mr. President, I rise on the last day of Older Americans' Month to salute the enormous contributions made by older Americans throughout the country.

Our great Nation was built by today's seniors. Just 50 years ago, when most of our seniors were teenagers and young adults, our country experienced some of the most difficult challenges ever faced. Today's older Americans are the children of the Great Depression; they fought in World Wars I and II on the battlefield and on the home front to preserve liberty and freedom for Europe and the Pacific. After the wars and the Great Depression, they helped to create the greatest period of economic growth and social progress in our history. Through their hard work and dedication, they have given us a magnificent legacy, a country in which we have greater opportunities to succeed than our parents had. Our seniors have strived to give us a country that is committed to a better tomorrow; a better environment, better living and working conditions; better health care, better housing, as well as hope for today's poor and homeless. Our older

Americans have brought our country forward.

Yet, we cannot speak only of the contributions senior citizens have made in the past. Never before have more senior citizens remained active members of their communities than are active today. Every day I hear from senior citizens who express their concerns for the future and who want to continue building a better America. I am proud to note that on May 16 of this year, thousands of Michigan seniors met in Lansing for Senior Power Day. I am pleased at the enormous success of this event, and I think it says something very important about our seniors; they are involved. Working in hospitals, schools, businesses and in other areas, more seniors are active in their communities.

Our seniors have given us so much; they have given us a strong America and a vision for a better future. Older Americans are our greatest source of knowledge and wisdom, and I believe we should do all we can to help seniors live in dignity and with respect. I am strongly committed to protecting the Social Security system and other Federal programs to enable our citizens to receive the well-deserved benefits to which they contributed. We must also address pressing problems which continue to concern seniors such as the high cost of health care and nursing home care. We must do all we can to ensure that seniors live full and productive lives.

I am pleased that we have recognized May as Older Americans Month, and I join in saluting our seniors. ●

#### NATIONAL PLUMBING PRODUCTS EFFICIENCY ACT

● Mr. FOWLER. Mr. President, 10 weeks ago I introduced the National Plumbing Products Efficiency Act (S. 583) along with 11 cosponsors in the Senate. Since then, Senators SANFORD and PRYOR have also cosponsored the bill. Congressman CHET ATKINS introduced the House companion (H.R. 1185) with 27 cosponsors, and it has since garnered an additional 22 Congressmen as cosponsors.

I rise to provide my colleagues and other interested parties with an update on the status of this legislation.

The National Plumbing Products Efficiency Act clearly has strong support in the Congress. It also has widespread support among conservation organizations and water officials, and I ask that following my remarks be inserted a few examples of supportive letters I have received on this bill since its introduction. Several other letters of support were included in the RECORD following my remarks on March 15, 1989.

S. 583 is currently pending in the Senate Commerce Committee's Subcommittee on Consumer, and the sponsors of this bill have requested a hearing on it at the earliest convenience of the chairman. Likewise, H.R. 1185 is expected to be reviewed by the House Energy and Commerce Committee's Subcommittee on Energy and Power in the near future.

I am continuing to discuss this legislation with all interested parties in an effort to improve it, and I want to thank the many people who have provided me and my staff with the benefit of their expertise in this area. Furthermore, I want to reiterate that I remain open to suggestions and constructive criticism of S. 583 from interested companies, organizations, or individuals.

I am also in the process of developing broader legislation dealing with Federal promotion of municipal and industrial water conservation, and I would encourage my colleagues and other interested parties to contact me for further information on this, the second major part of my water conservation initiative.

The material follows:

ENVIRONMENTAL DEFENSE FUND,  
Washington, DC, March 29, 1989.

HON. WYCHE FOWLER,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR FOWLER: I am writing to convey the support of the Environmental Defense Fund for S. 583, the National Plumbing Products Efficiency Act of 1989. This important legislation will provide a wide range of environmental and economic benefits to citizens throughout our nation.

The droughts of last summer and the continuing problems with development of new water supplies clearly indicates that this is a bill whose time has come. Further, the use of minimum efficiency standards is a win-win approach that has been proven effective through the National Appliance Energy Conservation Act of 1987 (NAECA). Finally, the effective dates of the standards provide more than enough time for manufacturers' compliance. The rapid increase in compliance by a number of manufacturers with the recently adopted toilet standard in Massachusetts demonstrates the ability of manufacturers to quickly comply with these standards.

We recommend one small revision to the bill—the incorporation of a more orderly and explicit procedure for reevaluation of the water use standards (Sec. 103(e)). The procedure included in NAECA provides a model for this revision. The incorporation of a similar procedure in the National Plumbing Products Act would provide the basis for an orderly review and ensure that the standards remain timely.

Overall, S. 583, is a fine and important piece of legislation. The Environmental Defense Fund applauds your leadership on this issue. It demonstrates your concern for the environment as well as your interest in consensus solutions that draw together diverse interests toward a common goal. We at EDF look forward to supporting your efforts in the future.

Sincerely,

PETER MILLER,  
Energy Analyst.

GEORGIA DEPARTMENT OF  
NATURAL RESOURCES,  
Atlanta, GA, May 10, 1989.

Re National Plumbing Products Efficiency Act of 1989.

HON. WYCHE FOWLER, JR.,  
U.S. Senate, Russell Building,  
Washington, DC.

DEAR SENATOR FOWLER: Subsequent to our letter of April 25, 1989, Mr. Trent Norris of your office contacted us concerning the implications of the National Plumbing Products Efficiency Act, specifically as it would relate to wastewater treatment construction. Although your Bill would show only limited benefits initially, over the next twenty years we anticipate that stringent conservation measures could provide as much as a 10% cost savings at municipal wastewater treatment facilities. If your Bill were in full force and effect today, Georgia's needs over the next three to five years could be reduced by as much as \$62 Million, based on requests made to date for State Revolving Fund loan consideration. Future plant expansions for growth could become further removed, delayed the capital expenditure and keeping user cost down.

Even with overall cost reduction measures like those proposed by your legislation, wastewater treatment needs still far outweigh funds available. Your continued support of the levels of funding for Construction Grants and the State Revolving Loan Fund authorized by the Clean Water Act would help toward meeting those needs. These two Federal programs are the main source of wastewater treatment construction aid available to communities. Reduction of the authorized funds will only further delay construction of much needed facilities.

As always, we appreciate your interest in Georgia's environmental management programs. Please contact me if I can be of further assistance to you.

Sincerely,

J. LEONARD LEDBETTER,  
Commissioner.

Attachment

GEORGIA DEPARTMENT OF  
NATURAL RESOURCES,  
Atlanta, GA, April 25, 1989.

Re National Plumbing Products Efficiency Act.

HON. WYCHE FOWLER, JR.,  
U.S. Senator, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR FOWLER: We appreciate the opportunity to review the revised version of the National Plumbing Products Efficiency Act.

This is an improved bill over last October's first version. This bill specifically and clearly focuses on the manufacturing and labeling of plumbing products in order to conserve water resources. This is to be implemented by the Federal government as part of its responsibility to regulate interstate commerce. Please inform us of ways we may assist with the bill. For example, we could encourage the strong support of local government officials in Georgia and nationally.

In response to your request for suggestions for other Congressional actions to promote wiser water use, it would be appropriate for Congress to reexamine the emphasis placed on hydropower production and navi-

gation enhancement by Federal reservoir projects. Since the construction of these reservoirs in the 1940's and 1950's, the importance of drinking water and recreation uses has increased tremendously. Congress should recognize this and pass legislation authorizing the Corps of Engineers to modify operations of Federal reservoirs to optimize drinking water and recreation purposes. Of course, such legislation should include payments by the users for the reauthorized uses.

Sincerely,

J. LEONARD LEDBETTER,  
Commissioner.

THE MONO LAKE COMMITTEE,  
Los Angeles, CA, May 17, 1989.

HON. WYCHE FOWLER,

Member of the U.S. Senate, Russell Senate  
Office Building, Washington, DC.

DEAR SENATOR FOWLER: The Mono Lake Committee, composed of 15,000 members in California, is pleased to lend its support to your bill, the National Plumbing Products Efficiency Act.

Due to unrestricted water diversions by the City of Los Angeles, Mono Lake, North America's most ancient lake, is threatened with collapse. Mono Lake is also a critical-wetlands habitat for millions of migratory birds on the Pacific Flyway. Los Angeles diverts 100,000 acre feet of water each year from the Mono Basin, less than 17% of the City's municipal use. To maintain a healthy ecosystem at Mono Lake, Los Angeles should reduce its diversions by 70,000 acre feet annually. Water conservation is the most cost-effective method to achieve this goal.

The National Plumbing Products Efficiency Act would make water conservation automatic. In the past, local and state government have had to rely on influencing individuals' habits to bring about reductions in water use. Success in modifying water customers' behavior was typically short-term, responsive to specific emergencies like drought. The National Plumbing Products Efficiency Act does not rely on a voluntary response to short-term emergencies. Rather, it insures that water conservation will be permanent—and painless.

In the semi-arid environment of Southern California, water is a limited resource. 85% of Southern California's water supply must be imported from Northern California and outside the state. Water conservation is the most prudent way of managing this limited resource. Not only is it more economical than building massive new water delivery systems, it is the most environmentally acceptable way of satisfying legitimate water needs.

A 10% reduction in water use by the City of Los Angeles is all it will take to protect Mono Lake. The National Plumbing Products Efficiency Act is an important tool in realizing this goal.

Sincerely,

BETSY REIFSNIDER,  
Associate Director,  
Mono Lake Committee.

COOPERATIVE EXTENSION SERVICE,  
Athens, GA, April 12, 1989.

HON. WYCHE FOWLER, JR.,

U.S. Senate, Washington, DC.

DEAR SENATOR FOWLER: The University of Georgia Cooperative Extension Service strongly supports the National Plumbing Products Efficiency Act of 1989 because we realize how important it is for the nation to

conserve and wisely manage its water supplies.

For the past several years, citizens in north and middle Georgia have faced water shortages due to a combination of lack of rain, land use patterns and intensive use/population growth. In an effort to help the public cope with this water crisis, the Cooperative Extension Service has joined forces with other concerned agencies in providing water conservation educational programming. From this vantage point, we realize that if public education is to be truly effective it must be a part of a broader comprehensive conservation effort. The establishment of federal standards for plumbing products is a big step in the right direction to want the development of a water conservation ethic for the nation.

We appreciate your foresight in offering this much needed legislation.

Sincerely yours,

C. WAYNE JORDAN,  
Director. ●

### SUPPORT FOR WRITERS AND JOURNALISTS

● Mr. HATFIELD. Mr. President, among the many freedoms we all too often take for granted is the freedom of writers and journalists to report, comment, and oftentimes even criticize. In a great many countries around the world, writers and journalists are detained without charge, jailed without trial, and sometimes even put to death for doing no more than writers and journalists in our country do every day.

During the last session of Congress, Representative BILL GREEN, Representative JOHN LEWIS, Senator BOB GRAHAM, and I formed the Congressional Committee to support Writers and Journalists in an effort to focus attention on the persecution of writers and journalists and to protect the closings of newspapers, magazines, and television and radio stations. The Congressional Committee now includes 15 Senators and 74 Representatives.

I recently came across an article in the International Herald Tribune which illustrates the urgent need for the Congressional Committee and the spotlight of attention it focuses on individual cases. The article, by Lois Whitman and Thomas Froncek, describes the plight of the editor of a Turkish magazine who now sits in prison facing a variety of charges involving articles her magazine has printed. I ask that the article be printed in the RECORD following my remarks.

The article follows:

IN TURKEY, BEING A 'RESPONSIBLE EDITOR'  
OFTEN MEANS PRISON

(By Lois Whitman and Thomas Froncek)

New York—Fatma Yazici, a slight woman of 33, is the "responsible editor" of a Turkish magazine, 2000, Dogru (Toward 2000). She is to go to prison today.

Her crimes? "Insulting the president" by printing an article about two apartments bought by President Kenan Evren for his daughters at unusually low prices. And

being "disrespectful about religion and the prophet Mohammed" in a second article. Her sentence is 28 months.

Last fall, on a mission to look into free expression in Turkey, we interviewed Miss Yazici and the magazine's editor in chief, Dogu Perincek. They told us that although Toward 2000 had been appearing only since January 1987, the government had already brought 28 charges against it. Nine of these cases have been brought to trial. In three, a verdict of not guilty was returned. In the other six, the magazine, its responsible editor and sometimes the writer of an article have been found guilty of charges such as "weakening national feelings," "insulting religion" or "being disrespectful to the republic."

Turkish press law requires every publication to have an editor who takes responsibility for the contents—a designated fall guy. That editor and the writer of any article considered offensive risk prison terms or fines if a court agrees with the government.

In the cases involving Toward 2000, Miss Yazici has been sentenced for four other items besides the two that resulted in the prison term she is about to begin: an article on Prime Minister Turgut Ozal's career in the private sector (three to five months, later converted to a fine); a story on the philosophy behind the military coup of 1980 (being disrespectful to the president—16 months); a paid obituary notice for the second anniversary of the death of a suspected Kurdish leader killed in a clash with security forces (making anti-Turkish propaganda—three years); and on Oct. 26, 1988, a summary of a Helsinki Watch report on the destruction of the ethnic identity of Turkish Kurds (six years and three months).

Miss Yazici now faces sentences totaling eleven years and seven months. In each of the additional cases the court's decision has been appealed. The cases for which Miss Yazici is to go to prison are the first in which an appeals court upheld guilty verdicts against her. Under Turkish law, there is no further appeal.

Thirteen of the 28 cases brought against Toward 2000 concern the Kurdish issue. The government, seeking to deny the ethnic identity of the eight to ten million Kurds in southeast Turkey, has for years forbidden even the word "Kurd" in the press. Only recently have journalists begun to challenge the taboo.

An August 1987 issue of the magazine was confiscated by the police before it could be distributed to newsstands. It had reprinted words spoken publicly 65 years ago by Kemal Ataturk, the father of the Turkish Republic, on the subject of autonomy for Turkish Kurds.

At least 42 Turkish journalists and editors are currently in prison for what they have written. Many have been given absurdly long sentences—661 years in one case and 748 years in another—because a judge can sentence them for seven and a half years for each offensive article. (None will serve more than 36 years, the maximum under Turkish law.)

Recently, six editors of leftist publications went on a hunger strike to protest confiscation of their publications, police raids on their offices, detention, torture and prison sentences.

In the last five years since the end of military rule, 2,127 journalists have been tried in 1,426 cases. These are alarming statistics for any regime, but doubly so for a government that seeks to be recognized as a

modern democracy and that aspires to full membership in the European Community.

Dogu Perincek told us that magazines like his are now freer to break taboos than at any time since the restoration of civilian government in late 1983. "But," he said, "they have to be willing to pay the price."

We asked another Turkish journalist why Fatma Yazici or anyone else would take on the job of responsible editor. Appearing surprised, as if the answer should have been obvious, the journalist replied, "She's an idealist."

She says that she is not brave; that she is just doing what a journalist would do in any other country. ●

#### TRIBUTE TO LEADERSHIP MEMPHIS

● Mr. SASSER. Mr. President, I rise before you today to pay tribute to an outstanding program in west Tennessee and to honor three superlative individuals who have made significant contributions toward the program's goals.

Leadership Memphis, a member of the National Association of Community Leadership Organizations, is a non-partisan, multi-racial and multi-cultural program designed to produce well-informed, motivated leaders who are willing and capable of working together for a better Memphis. In its 10 year history, the organization has made enormous progress as it strives to enhance the quality of leadership and the quality of life in Tennessee's largest metropolitan area.

The graduates of the Leadership Memphis Program have studied vital issues, such as race relations, the economy, education, government, health care, housing, religion, social services, the criminal justice system, communications and much more. They have been given the opportunity to meet with authorities in a variety of fields and discuss the city's most pressing problems with the people who deal with them everyday. They understand the rich diversity which makes Memphis special, and they strive to protect that diversity while working together toward common goals.

Each year Leadership Memphis pays tribute to its graduating class at the Annual Celebration of Leadership dinner. On May 25th, in addition to honoring its 55 graduates, the group will bestow a special award to three standout citizens of Memphis.

It is with great pride that I recognize the 1989 recipients of the Kate Gooch Awards, named in honor of the organization's founder and executive director for 7 years. They are Mr. William B. Dunavant, Mr. Mason Granger, and Ms. Deborah Northcross.

Mr. Dunavant, chairman and chief executive officer of Dunavant Enterprises, is honored for his service to the community as a citizen-at-large. Among his many contributions are: his directorship and active support for United Way of Greater Memphis, his

service as sustaining membership chairman and capital funds drive chairman of the Chicksaw Council of the Boy Scouts of America, and his co-chairmanship of the 1989 NAACP Freedom Fund Gala.

Mr. Granger, news director at WMC-TV, is honored for his service to the community as a Leadership Memphis alumnus. He serves as president-elect of Memphis in May and as a board member for the Salvation Army, the Church Health Center, Opera Memphis, the Liberty Bowl Classic, United Way of Memphis, the Goodwill Boys Club and Commitment Memphis. He is a past president and a board member of the Memphis Chapter of the American Cancer Society and past chairman of the Memphis Development Foundation.

Ms. Northcross, director of development at Shelby State College, is honored for her service to the Leadership Memphis Alumni Association. As vice president and now president of the Alumni Association, she played an instrumental role in establishing the Alumni Phone-a-Thon and she was the stimulus for reinstating the Alumni Educational Forums. She also serves as a member of the board of directors of the YMCA.

Mr. President, I would like to extend my heartfelt congratulations both to Leadership Memphis and to these three outstanding citizens for jobs well done. ●

#### LABOR FORCE 2000

● Mr. SIMON. Mr. President, last month I had the chance to participate in an exciting forum. On April 20, here in Washington, I addressed a group of business leaders and educators. They had been brought together by the Allstate Insurance Co., to take a hard look at the weaknesses, and strengths, of our education system and begin to forge a partnership between business and education to address some of the problems.

The Allstate Forum on Public Issues: Labor Force 2000, was a two-part meeting. The first 2-day session had been held in Chicago in early February. Over 300 representatives from business, education and the public sector came together to take a look at the changing nature of our workplace and what this might herald for labor force needs in the coming century.

This productive session was followed with the meeting here in Washington to bring into play the policy implications of the conclusions and recommendations of the earlier session. Throughout this forum the focus has been on the cooperation that will be necessary among government, education and business if we are to educate and equip our labor force to meet the challenges of the year 2000 and beyond.

R.J. Haayen, the thoughtful and creative chairman and CEO of Allstate, opened the session in Washington. In his address, Mr. Haayen shows a sensitivity to the need for business to become more involved in public causes. This trend—of companies and businesses getting involved in community, State and national affairs—is exciting. We in Government need the expertise and experience of the private sector; and I believe we can work in a highly productive partnership with them.

Mr. Haayen cites a Fortune magazine survey of some of the country's top companies, done at the request of Allstate. Among the results: 62 percent of those responding believed they had lost productivity because of poor education skills of their workers;

60 percent believe it is harder to hire individuals with good basic education skills today than it was 10 years ago; and 51 percent believe it is only going to get more difficult to hire employees with good education skills in the coming decade.

We all bear responsibility for the failures of our education system. Mr. Haayen is right on target, however, in his assertion that we need to move ahead and bring together the resources and talents of the private sector and the education community and Government to restore excellence and pride to our education system.

I know others will join me in applauding Mr. Haayen's response to the state of our education system as well as his leadership, as CEO of Allstate, for bringing together key people to address how we can best restructure that system, in a cooperative way, to meet the changing work force demands. I urge my colleagues to read Mr. Haayen's excellent speech and I ask that it be printed in full in the RECORD.

The speech follows:

ALLSTATE FORUM ON PUBLIC ISSUES: "LABOR FORCE 2000," CORPORATE AMERICA RESPONDS

(By R.J. Haayen)

Thank you, Larry. And let me thank all of you for rejoining us here in Washington.

Back in February, we launched this effort with a two-day session in Chicago. That was an exciting meeting.

But I think today's conference will be equally interesting. Not only because we have some very distinguished speakers who have come to offer their insights and their support.

I think you will also be excited because we are going to share the results of some remarkable work done by you and your colleagues.

As you remember, in Chicago we created task forces dealing with government and legislative affairs, human resources, communications, training, and corporate philanthropy.

In less than two months, these working groups have developed detailed recommendations on how corporate leaders can reach out to the education establishment in communities across the country.

And because education is a community issue, we have added something else. Our sixth task force—on strategic planning—has developed a step-by-step model that companies can use to involve all relevant groups in a community-wide effort at education reform.

In many ways, this kind of comprehensive approach is what's been missing from the business/education partnership.

For instance, Professor Dale Mann of Columbia University has been studying corporate involvement with schools in 23 large cities and 85 other locations around the country. And he says, quote, "there is not much evidence, at the local level, that any coordinated agenda exists."

Now, that can be seen as evidence that organizing such a broad-based effort isn't easy. But for those companies willing to serve as catalysts in their communities, our report offers a methodology for getting started.

And for those whose resources and opportunities are more limited, our task forces suggest dozens of other ways we can have a positive impact on education in our area.

In either case, it's important to remember that today marks the beginning, not the end, of our efforts. The next step—and the most important one—is to put these plans into practice.

So as we prepare to take these ideas back to our companies and our communities, I'd like to leave you with a few thoughts based on something said by one of education's greatest benefactors.

Andrew Carnegie, as you know, is an archetype of the American success story—the Scottish immigrant boy who went on to amass one of history's great fortunes.

Carnegie was also America's first great philanthropist—all told, he gave away more than \$350 million to various charities. And most of that money went to support education in one form or another.

Interestingly enough, Carnegie was also the man who originally said, "the rich get richer, and the poor get poorer."

He didn't make the comment in an approving way—it was just an observation. But it is one that has too often proven true.

Last month, for example, Congress released a report that showed, during this decade, family income for the top one-fifth of our population rose more than 11 percent, while income for the bottom fifth actually declined more than 6 percent.

Clearly, the lines on the graph are moving in opposite directions for different segments of our society. And the same kind of divergent trend can be seen in areas other than economics—education, for example.

On the one hand, there are more than 12 million students attending America's colleges and universities. That's roughly half the college-age people in the country—a far higher percentage, for instance, than anywhere in western Europe.

Meanwhile, on the other end of the educational spectrum, the national high school dropout rate has reached nearly 30 percent. In some cities like Washington, D.C., it's past 50 percent.

And those students who do stay aren't being rewarded with a first class education. One study, for example, showed that more than 60 percent of 17-year-olds don't read well enough to understand their high school textbooks.

No wonder the earning gap between high school and college graduates has also been getting wider. In 1980, the average annual income of a college graduate was 25 percent

higher than that of a high school graduate. By 1986, that differential had nearly doubled—to 49 percent.

Now, I don't cite such statistics to prove the truth of Andrew Carnegie's observation. In fact, I believe we will turn these trends around, in part because of corporate America's expanded commitment to public causes.

The record of business is by no means perfect. And we still have a long way to go. But during this decade, corporations have become a much more vital member of the social support system in communities across the country.

And that's what I want to discuss today. The role of private enterprise in dealing with the two topics I've mentioned—education and economic issues.

In both cases, I'd like to consider—

Why business became involved in such a major way;

What companies have done in the 80s to help mend the gaps in America's social fabric;

Where corporations might go from here as we prepare for the next decade and the next century.

So let's start, appropriately enough, with the subject of this forum—education.

Why has business become so involved? Well, during our last meeting we cited many of the reasons. There's the shrinking labor pool and the need for more skilled employees.

There are compelling economic arguments—one year's crop of dropouts, for example, costs America \$240 billion in lost earnings and taxes over their lifetimes . . . while other studies show that earning a high school diploma will keep 99 percent of adult men and 98 percent of adult women out of poverty.

But beyond all these important reasons, a lot of companies originally became concerned about their local schools based on first-hand experience.

When more than 80 percent of job applicants fail an exam for basic, entry-level jobs. When a bank has to interview 40 high school graduates to find one capable of becoming a teller-in-training, it's time to move beyond concern to action.

As Larry Williford has mentioned, Allstate asked Fortune Magazine to conduct an education survey of top executives from the nation's largest companies. Merle Sprinzen of Fortune will provide most of the details of the survey, but I wanted to note that 62 percent of the senior executives responding believe their companies' productivity has been reduced as a result of poor basic education skills in their workplace.

And 60 percent of the respondents believe that hiring employees with good education skills is tougher now than it was 10 years ago. And 51 percent of the executives believe it will be tougher still 10 years from now.

Virtually all of those surveyed believe that the educational system, as it exists now, poses a major dilemma for the United States.

Still, 96 percent of the companies report they are making efforts to help. Business's commitment is up on many levels. In another survey, more than two-thirds of the responding school districts reported a "substantial" increase in their cooperative efforts with business during the 1980s.

All told, the Department of Education estimates there are more than 70,000 business-sponsored projects currently underway in American elementary and secondary schools. And when you consider that there

are only 90,000 school buildings in the entire U.S., that's evidence of a broad corporate commitment.

But where do we go from here?

Beyond implementing the ideas suggested in our forum report—one thing all of us can do is preach the education gospel to our unconverted corporate brethren.

There are more of them than you think. The fact is, 80 percent of the companies in America have no involvement with education. And the biggest growth potential is among small, service-oriented businesses—the very kind of firms most in need of well-educated employees.

What else can business do? Well, when it comes to the specifics of curriculum, I'm like most business people—I don't presume to have suggestions about subject matter or teaching methods.

But I do think all of us—executives and educators; politicians and parents, could agree on some principles that might guide us in our efforts. Basic beliefs that apply to the education process at every level from kindergarten through college and beyond.

I have four such principles to suggest.

First, education should be based on the belief that our urge to learn is intrinsic.

The truth is, human beings are born with a nose for knowledge. If there is one attribute that characterizes our little branch of the evolutionary tree, it's a sense of curiosity that goes way beyond what's necessary for mere survival.

And while we may be, as some say, the only species that kills in anger, we may also be the only animal that learns for fun. For the sheer, uninhibited joy of discovery.

That natural inclination to understanding should be strengthened, not stifled, by the classroom experience.

Second, I believe we should agree that the ability to achieve is universal.

I don't suggest that everyone can be an Einstein. But everyone can learn, and expand his or her horizons under the right circumstances.

After all, study after study has shown that most successful people are not geniuses. Accomplishment is more often dependent on effort and self-discipline, than on innate ability.

So our educational system should be dedicated not just to raising test scores . . . but to bringing out the best in everyone—regardless of what that best may be.

Third, we should agree that the need for knowledge is unending.

Formal education during our formative years is important. It lays the foundation. But our real goal should be a society in which lifelong learning is the rule, rather than the exception.

We must promote the ongoing nature of education for two reasons. First, because change will dominate our socioeconomic system for decades to come. And the vast majority of those who will make up our "workforce 2000" have already finished their schooling. So, if they cannot continue learning and adapting throughout their working life, their chances for success are slim—and so are ours.

But we must also promote the concept of lifelong learning because it adds immeasurably to the vision and the vigor of our society. We simply cannot afford to be a nation of adults that never open a book or listen to a lecture or entertain a new idea after graduation.

Finally, as we go about building a system for the post-industrial age, we should agree

on a fourth principle—that education is everyone's business.

On one level, that means every community is ultimately responsible for the schools it gets. If we want improvement, we have to fight for it . . . and pay for it, too.

On another level, this principle means that business cannot expect the schools to do it alone when it comes to preparing students for the demands of tomorrow's workplace.

Many companies already recognize this. In fact, corporate America today spends more than \$200 billion a year on formal and informal training programs.

At Allstate, for example, we've established what we call a training university at one of our operations centers in Chicago.

The center offers new and existing workers not only technical and job skills education. It also offers the chance to improve skills in basic English and other subjects.

Such corporate programs should be encouraged—not only because they help ease the pressure on our overtaxed public resources . . . but because they emphasize the interdependence of business and education . . . and stress the connection between learning and earning.

Which brings me to the second subject I said I would cover—corporate involvement in programs to improve the economic welfare of American families.

Actually, I'm talking about the broad range of issues that affect families—housing, health care, hunger, and more.

And—as I did with education—I want to focus on three questions. First, why have companies become more involved?

Some reasons are clearly selfish, and fairly simple. Ever since the days of Andrew Carnegie, employers have understood that better educated, better housed, and better fed people make better workers.

More recently, some suggest our involvement has also been influenced by the social activism of two decades ago. First, because young people raised during those years are beginning to reach leadership positions within many companies.

And second, because through protest ERA made it clear that a corporation—or any institution, for that matter—must be responsive to public issues if it wants to succeed beyond its business interests.

During this decade, business has also become more involved in social issues because of Government cutbacks in public programs affecting community welfare.

Finally, there is an often overlooked reason for corporate America's growing commitment to the community. Our employees themselves are giving more to those less fortunate, and they expect their companies to do the same.

You know, it's funny. The 1980's were supposed to be the "age of greed," when everyone's hero was the guy with the gold card, the German car, and lots of good old American cash.

Yet, at the same time, charitable contributions actually outpaced inflation and reached all-time highs. So did the number of people volunteering for civic work.

As of 1987, 90 percent of all Americans were making charitable contributions. And half of them were actively involved in volunteer programs—up from 31 percent in 1984.

So what have corporations done in response to these and other social stimuli?

Well, for one thing, we have increased our giving. Corporate philanthropy rose dramatically during the first half of the

decade. It has leveled off a little since then, but giving programs are still vastly more extensive than they were ten years ago.

And it's not just money—companies have developed contribution strategies to maximize the impact of their efforts.

I've seen these changes at work in my own company. In recent years, the Allstate Foundation significantly increased its contributions. We've also become more specific about our philanthropic goals.

Beyond giving money, however, companies during this decade have given of their time and talent in cooperative programs of all kinds.

From neighborhood revitalization to the Special Olympics—from disaster relief to drug awareness campaigns—wherever there's been a community-based effort, companies have usually been right in the thick of things.

So where does business go from here in addressing the broad range of social issues? Again, I have no prescription.

But I do have some principles we might consider. In this case, two of them.

First, I think we might capitalize on the spirit of voluntarism.

If people are willing to give of themselves, then we must make maximum use of these precious human resources. Actually, corporations are already moving in this direction.

At the beginning of this decade, only about 300 companies had active programs to encourage employee involvement in community service. Since then, the number has doubled.

Again, I've seen this idea at work within my own company, where three out of four employees are actively involved in some kind of community program. Our helping hands volunteers now number more than 40,000 people in over 200 locations.

Besides, many companies are finding that volunteer programs are not only good for their reputation in the community, they have a positive effect in the eyes of employees, too.

You know, behavioral scientists are studying an interesting phenomenon called the "helper's high." It seems that a large percentage of people who volunteer to help others report the experience actually makes them feel better physically.

Many compare it to the sense of fitness and well-being they get from working out. The experts think endorphins, the same natural body chemicals released during exercise, may be involved in "helper's high," too.

Whatever the cause, it's another powerful argument on behalf of altruism. And because corporations are human, too, the same sense of good will can pervade an entire organization.

Time and again, for example, our people at Allstate say they're proud to work for a company that supports and encourages their community involvement. And who can put a price tag on that kind of loyalty and respect within the workforce?

My second principle for future corporate involvement suggests that we become even more active in programs that bring together many different institutions within the community.

This again is a trend that has accelerated during the 1980's. While business was becoming more involved in social issues, other institutions in our society were also undergoing significant change.

After years of trying to resolve problems by funding larger and larger programs, government finally concluded there wasn't

enough in the public treasury to sustain such efforts indefinitely.

That in turn, increased the pressure on nonprofit groups. Charities that once survived mainly on faith and hope found themselves developing strategic plans and approaching corporate foundations.

All these changes seemed to occur at the same time. The three types of institutions—business, government, and nonprofit groups—recognized that each of us has a significant social role to play—and none of us can do it alone.

And from that recognition, we've begun to build a new, more collaborative approach to dealing with issues of social significance.

We realize that institutions in America are all cut from the same cloth. In a pluralist and populist society, the ultimate aim of every organization must include serving the public interest.

So the captain of industry—and the foundation fundraiser—and the civil servant have much more in common than we at one time realized.

All of us, it turns out, are heir to the ideals that build the system of democratic capitalism in the first place. The son of one of America's other great capitalists—John D. Rockefeller, Jr.—perhaps put it best when he said, in America, "every right implies a responsibility; every opportunity, an obligation; every possession, a duty."

What that means to me is that each of us as individuals, and as institutions, has a higher calling.

Above the purely practical. And beyond the bare minimum.

At its most basic level, for instance, the purpose of education is to make students literate. But it also has the potential to inspire and elevate.

Likewise, the basic purpose of government is to build roads and deliver mail? But it also has the potential to help shape and strengthen a nation's will.

The basic purpose of charity is to feed the hungry and defend the disadvantaged. But it also has the potential to touch our collective conscience as a people.

In the same way the basic purpose of business is to produce a profit. But we also have the potential to help set and share America's social agenda.

And isn't that what America is all about? Achieving your potential, believing that a better way is not only attainable, but inevitable?

For more than 200 years, that unshakeable faith in the future has been our country's most enduring and most endearing trait.

All of you here today are keeping that faith alive. By your actions and by your example—you are helping America live up to its own best instincts.

For that above all, I thank you and wish you great success in your future efforts. ●

#### VIVID PERSONAL MEMORIES

● Mr. HOLLINGS. Mr. President, I ask that a column by Cal Thomas that appeared in the May 18 issue of the Washington Times be printed in the RECORD. He points out that films like "War and Remembrance" are not merely entertainment, but also important reminders of historical events that must not be forgotten, and vividly supports his claim by tracing the impact of the Holocaust on one indi-

vidual and triumphantly ending the column with the revelation that the individual is the Israeli Ambassador to the United States, Moshe Arad.

#### VIVID PERSONAL MEMORIES

(By Cal Thomas)

I suspect that more than one Holocaust survivor in America watched ABC's monumental "War and Remembrance," which concluded this past Sunday night, and recalled that horrible time.

Moshe remembers quite well.

He was born in 1934 in Botosani, Romania. His parents, Simon and Haya (the Hebrew word for "life"), were happy to have a son, but concerned about the gathering storm over Europe.

Moshe's father was a merchant who sold petroleum products at a service station.

When the war came, Romania, as an ally of Germany, began persecuting its Jewish population, estimated at the time to number between 800,000 and a million.

Petroleum was declared a strategic commodity for the war effort and because Jews were suspect, no Jew was allowed to come near it. So Simon lost his job and was forced to perform menial "public service work," paving roads, digging trenches and cleaning military installations, in order to provide for himself, for Haya and for Moshe and his sister.

The television scenes of Jews, including children, wearing the star of David looked like home movies to Moshe. When he began school in 1941 (Jews were segregated in their own schools), he was required to wear one. His parents did not allow him to go for a walk or visit a playground because the star made him a target for verbal and physical abuse, which he received anyway during his occasional outdoor forays.

His mother told him not to respond to abuse but, of course, he did. Twice he refused to put on his coat with the star, but his mother admonished him: "You can land us all in a camp if you are caught." He knew that "a camp" meant a concentration camp, where it was said that Jews were being gassed.

Moshe identifies with the Jews of the Exodus: "My parents always kept our belongings in suitcases just in case we might have to leave in a hurry."

He saw the television scenes of children being shot and gassed and remembered that his aunt left for work one day, only to return home and find her children, his cousins, gone.

They had been taken by the local police and German soldiers, and shot. The pretext? "One didn't need a pretext," says Moshe. "We were Jews and, therefore, suspect."

From late 1942 until the end of 1943, "we moved from one place to another, afraid to remain anywhere for more than a single night. We lived with friends, relatives, in synagogues and abandoned houses."

The Nazis and their Romanian friends exterminated half the Jewish population of Romania before the war ended.

Moshe and his family were among the fortunate ones. In April 1944, the Russian army liberated Romania as it advanced on Germany.

Moshe remembers Passover, 1944, especially well. He was 10 years old and he recalls that as his father read from the Book of Exodus concerning the flight of the ancient Jews from Egypt, "the words acquired a poignant meaning I will never forget."

When a communist regime was established in Romania, Simon and Haya asked to go to Palestine. Their request was refused. It was not until 1950, when the new Israeli government offered to pay Romania several hundred dollars for each Jew let go, that the family sailed for Haifa and a new home.

Moshe remembers a final indignity before leaving. He played the violin, but the Romania customs officer refused to let him take the instrument with him.

"It belongs to this country," growled the officer.

"I haven't touched a violin since," says Moshe.

Moshe remembers not sleeping the night before the family arrived in Israel. "I envisioned the vista of Mount Carmel," he said. "I kissed the ground after disembarking from the ship."

Something his father told him when the family was hunkered down in trenches during a bombing attack by Soviet planes suddenly came back to him: "If we ever survive this night, don't ever forget that there is a land that is waiting for us and we should go and help build it."

Help build it Moshe did. He first worked as a messenger boy. Then he picked grapes and oranges and began studying Hebrew. He finished high school, joined the army and fought in the 1956 war (he would serve again in the Six-Day War).

He was discharged as a captain, entered Hebrew University and became a lawyer. Other appointments in the Department of Justice and later the foreign service testified to his brilliance and competence.

Moshe was once a refugee within his native country, required to wear a yellow star. He still "wears" a Star of David, but its color is now blue. Instead of a symbol that brought fear and shame, this star represents hope.

Now it is Moshe's turn to represent something.

Moshe represents, not his native land, but the land that redeemed his entire family, the nation of Israel.

For, you see, Moshe Arad, a child who escaped the Holocaust, is the Ambassador of Israel to the United States of America. And now, as Paul Harvey might say, you know the rest of the story.●

#### TERRY ANDERSON

● Mr. MOYNIHAN. Mr. President, today marks the 1,537th day of captivity for Terry Anderson in Beirut.

I ask that an article from the Buffalo News, describing a bust of Terry Anderson which is being placed in display in Batavia, be printed in the RECORD.

[From the Buffalo News, May 24, 1989]

BUST OF TERRY ANDERSON WILL SERVE AS A REMINDER

(By Tom Ernst)

A life-size bust of Terry Anderson—intended as a "welcome home" gift someday and in the meantime to serve as a reminder of his plight—will go on display in his hometown of Batavia.

The terra cotta sculpture is the work of Lackawanna native Louis Dlugosz and will be presented to Batavia officials by Lackawanna officials at 10:30 a.m. Thursday in Batavia City Hall.

"It will be on display in the Genesee Country Mall until he is released." Batavia

City Council President Lee F. Allyn said Tuesday.

The work depicts the journalist being held hostage in Beirut, Lebanon. The chains are meant to depict his captivity and the globe the fact the world seems to be powerless to do anything about it, according to the artist's sister, Betty Watt.

Dlugosz, who has returned to Poland where he has spent much of the past several years was unaware of Anderson's plight until he returned home for a visit. Mrs. Watt related. Anderson has been held hostage in Lebanon since March 1985.

"He doesn't get a lot of news in Poland so I save things for him and he was very hurt and angry when he learned about Terry Anderson," Mrs. Watt said.

"He wanted to know why no one could help him and the sculpture is his way of trying to help."

She said her brother returned to Poland two weeks ago and had worked on the sculpture in the basement of her home during his six-month visit.

"It was his idea to give it to the people of Batavia and leave it with them until Terry comes home," she said.

Lackawanna Mayor Thomas E. Radich will make the presentation along with Dlugosz's son, Nicholas, a Lackawanna police officer.

Anderson's sister, Peggy Say, also is expected to attend, Allyn said.●

#### THE ITALIAN TRIBUNE

● Mr. LEVIN. Mr. President, on June 2, 1989, a historic occasion will be marked by Italian Americans and their friends across the State of Michigan. The Italian Tribune will mark its 80th anniversary.

Founded by Vincent Giuliano in 1909, the Tribune has continued to be a voice of communication, persuasion, and constructive thought within the Italian community under the stewardship of Mr. Giuliano's grandson, Edward M. Baker. Focused primarily on news of interest in Michigan, Ohio, and Indiana, the publication also reaches readers as far away as California and Rome.

The fourth generation of the Giuliano family, Mr. Baker's daughter, Marilyn Kammer, is now a part of the continuing tradition of service and education to the sons and daughters of Italy. La Tribuna del Popolo continues to serve the changing needs of its readers while continuing to preserve its heritage.

Combined with LaVoce del Popolo (a church sponsored publication), the Italian Tribune provides fraternal cohesiveness, a fresh perspective on international events, and a positive image of the Italian-American people.

I am pleased to mark the significant achievements of the Italian Tribune and look forward to its continued voice in the Italian-American community.●

### APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 100-204, appoints Peter Leslie, of Maine, to the U.S. Commission on Improving the Effectiveness of the United Nations.

(Note: The following orders were entered earlier and appear at this point the Record by unanimous consent.)

### ORDERS FOR TOMORROW

RECESS UNTIL 8:30 A.M.

#### MORNING BUSINESS

Mr. FOWLER. Mr. President, I now ask unanimous consent that when the Senate completes its business today it stand in recess until 8:30 a.m. tomorrow, Thursday, June 1, and that following the time for the two leaders there be a period for morning business not to extend beyond 9 a.m. with Senators permitted to speak therein for up to 5 minutes each.

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

ORDER TO PROCEED TO THE CONSIDERATION OF  
H.R. 2072

Mr. FOWLER. Mr. President, I further ask unanimous consent that at 9 a.m. tomorrow the Senate proceed to the consideration of H.R. 2072, the supplemental appropriations bill.

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

### RECESS UNTIL 8:30 A.M. TOMORROW

The PRESIDING OFFICER. Pursuant to the unanimous-consent agreement heretofore propounded and Senate Resolution 137, as a further mark of respect to the memory of the deceased Hon. CLAUDE D. PEPPER, late Representative from the State of Florida, the Senate will stand in recess until 8:30 a.m. tomorrow.

Thereupon, at 6:57 p.m., the Senate recessed until Thursday, June 1, 1989, at 8:30 a.m.

### NOMINATIONS

Executive nominations received by the Senate May 31, 1989:

#### DEPARTMENT OF STATE

KEITH LAPHAM BROWN, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO DENMARK, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM OCTOBER 22, 1988, TO JANUARY 3, 1989.

WILLIAM ANDREAS BROWN, OF NEW HAMPSHIRE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM OCTOBER 22, 1988, TO JANUARY 3, 1989.

#### DEPARTMENT OF JUSTICE

DEE V. BENSON, OF UTAH, TO BE U.S. ATTORNEY FOR THE DISTRICT OF UTAH FOR THE TERM OF 4 YEARS VICE BRENT D. WARD, RESIGNED.

#### EXECUTIVE OFFICE OF THE PRESIDENT

REGGIE B. WALTON, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE DIRECTOR FOR NATIONAL

DRUG CONTROL POLICY (NEW POSITION—PUBLIC LAW 100-690).

#### DEPARTMENT OF COMMERCE

THOMAS JOSEPH MURRIN, OF PENNSYLVANIA, TO BE DEPUTY SECRETARY OF COMMERCE, VICE DONNA F. TUTTLE, RESIGNED.

#### DEPARTMENT OF TRANSPORTATION

JEFFREY NEIL SHANE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE GREGORY S. DOLE.

#### DEPARTMENT OF COMMERCE

QUINCY MELLON KROSBY, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE G. PHILIP HUGHES, RESIGNED.

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

C. AUSTIN FITTS, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE THOMAS T. DEMERY, RESIGNED.

#### DEPARTMENT OF EDUCATION

CHARLES E.M. KOLB, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY FOR PLANNING, BUDGET AND EVALUATION, DEPARTMENT OF EDUCATION, VICE BRUCE M. CARNES, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM OCTOBER 22, 1988, TO JANUARY 3, 1989.

#### DEPARTMENT OF THE TREASURY

FRED T. GOLBERG, JR., OF MARYLAND, TO BE COMMISSIONER OF INTERNAL REVENUE, VICE LAWRENCE B. GIBBS, RESIGNED.

#### DEPARTMENT OF THE INTERIOR

DELOS CY JAMISON, OF MONTANA, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT, VICE ROBERT F. BURFORD, RESIGNED.

#### IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

#### To be lieutenant general

LT. GEN. BUFORD D. LARY, **xxx-xx-xxxx** PR. U.S. AIR FORCE.

#### IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

#### To be lieutenant general

LT. GEN. KENNETH E. LEWIS, **xxx-xx-xxxx** U.S. ARMY.

#### IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

#### MEDICAL CORPS

#### To be colonel

EDWARD T. SCHWAB, **xxx-xx-xxxx**  
FELIPE E. VIZCARRONDO, **xxx-xx-xxxx**

#### To be lieutenant colonel

ANTONIO A.B. MATABAN, **xxx-xx-xxxx**  
CAMILLE PEROCIER-AGUIRRE, **xxx-xx-xxxx**

#### To be major

RANDY K. BOTTNER, **xxx-xx-xxxx**  
JOHN C. PENNOCK, **xxx-xx-xxxx**  
KIRK H. SHELLEY, **xxx-xx-xxxx**

#### DENTAL CORPS

#### To be major

MURRAY KELLAR, **xxx-xx-xxxx**  
JOHN W. MORRISON, **xxx-xx-xxxx**

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN THAT INDICATED.

#### MEDICAL CORPS

#### To be lieutenant colonel

RAYMOND T. BARBERA, **xxx-xx-xxxx**  
CHRISTOPHER N. HEINRICH, **xxx-xx-xxxx**  
GREGORY J. TOUSSAINT, **xxx-xx-xxxx**

#### DENTAL CORPS

#### To be lieutenant colonel

JEFFREY H. CAMM, **xxx-xx-xxxx**

#### IN THE ARMY

THE FOLLOWING-NAMED OFFICER ON THE ACTIVE DUTY LIST, FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 744, TITLE 10, UNITED STATES CODE.

#### MEDICAL CORPS

#### To be colonel

LAWRENCE C. MOHR, JR., **xxx-xx-xxxx**

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER IDENTIFIED WITH AN ASTERISK IS ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

#### ARMY

#### To be lieutenant colonel

RONALD E. HALL, **xxx-xx-xxxx**  
AUBREY WHITE, **xxx-xx-xxxx**

#### To be lieutenant colonel

DONNIE L. HENLEY, **xxx-xx-xxxx**  
STEPHEN J. NALLY, **xxx-xx-xxxx**  
JAMES L. WALKER, **xxx-xx-xxxx**

#### MEDICAL SERVICE CORPS

#### To be major

CHARLES M. HARRIS, **xxx-xx-xxxx**  
\*MICHAEL A. STANTON, **xxx-xx-xxxx**

#### IN THE NAVY

THE FOLLOWING AIR FORCE CADETS TO BE PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

ALAN E. BELL STEVEN N. SPANOVICH  
THOMAS T. COOK BRIAN D. STANFORD

#### IN THE NAVY

THE FOLLOWING-NAMED ENLISTED COMMISSIONING PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JOHN CRAIG MICHAEL MARTIN  
WALLACE LOVELLY

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531.

ANDREW W. LEWIS

THE FOLLOWING-NAMED NAVY ENLISTED CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JOSEPH BARNES III	NANCY L. FRANZE
PAUL E. BEDSOLE	TYRONE E. GILMORE
TIMOTHY D. BOLLINGER	WILLIAM C. HANCOCK
NORMA C. BROWDER	DAVID D. MULLARKEY
RAMON J. BUYSON	SHAWN P. MURPHY
JAMES E. CARTER, JR.	MANUEL E. NAGUIT
PATRICIA G. CHAPPLLE	RENARD PEEPLS
MARK J. CONRAD	DIANE PULKOWNIK
CONNIE J. A. DAY	LANE S. TAYLOR
CHERYL A. DEWEY	JOSEPH TRIPLETT, JR.
DAVID P. DULA	THOMAS A. VAN PELT
DEBRA L. DUNCAN	MARGARET A. WEBB

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JOSEPH F. BRANAN	MICHAEL W. DENIS
REEVES A. DAVES	SCOTT A. FAULKNER
TIMOTHY R. HALLADY	WILLARD S. JAMES
FREDERICK B. LAWRENCE	JEFFREY K. MCGOWAN
BENNETT W. PAFORD	MICHAEL W. SIRACUSE
JOSEPH R. WESSLING	

THE FOLLOWING-NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

JANET H. BUCK CLINTON A. MEDBERY III

#### IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

DENTAL CORPS

To be colonel

LOUIS W. ADAMS, III,
FREDERIC H. BROWN,
RICHARD L. CALHOUN,
BENEDICT CONNAUGHTON,
LAURENCE P. CRIGGER,
DAVID R. DASHER,
JOHN M. DENNY,
DONALD D. FATE,
STEPHEN E. FRYLING,
ROBERT K. GOODE,
JOHN R. HEBERT,
DAVID S. HESS,
GLEN D. HOUSTON,
DANIEL L. KAAT,
FRANK A. KYLE, JR.,
W. R. LANGENDERFER,
LEWIS V. LIEB, JR.,
SHELDON R. MANN,
GEORGE J. MCALPINE,
JOHN J. MCDONALD,
STEPHEN P. MOORE,
TIMOTHY C. MOORE,
STEVEN J. OLSON,
PAUL W. RECORD,
ROBERT W. RUDD,
PETER M. SPRADLING,
DENNIS E. STULTON,
DENNIS D. STUCKEY,
WILLIAM G. TAYLOR,
RAYMOND L. TIFFANY,
BLAKE E. WAYMAN,
DAVID E. WILLIAMS,
DAVID J. ZANER,

STEPHEN G. BURKE,
RICHARD BUSSONE,
JOSEPH D. CAMACHO,
JEFFREY H. CAMM,
MARK T. CARLSON,
BRADFORD W. CHRISTENSEN,
DOUGLAS A. CLARKE,
HOWARD F. CONE, JR.,
MONTE L. COOPER,
MULLEN O. COOVER, JR.,
CLIFFORD W. CORNELIUS,
WALTER C. DANIELS,
RICHARD D. DAVIS,
ALEX A. DEPERALTA, JR.,
HERMAN S. DICKERSON,
DAVID A. DZIACHAN,
ROBERT L. ECKLES,
RICHARD C. EDWARDS,
ALAN L. FAHRDRICH,
JOHN E. FARHOOD,
JAMES J. FLAGGERT III,
FRANK J. FOREMAN,
MARK A. GEISEL,
GEORGE J. GERDTS,
FLOYD W. GREEN,
PAUL D. GREENE, JR.,
BARRY P. GREENLEY,
THURSTON P. GREENWOOD,
THEODORE J. GRELLNER,
JEFFREY C. HAMBLETON,
JEANNE HANSENBAYLES,
ROBERT L. HEIST,
THOMAS J. HILTON,
RICHARD M. HIRAKI,
JOHN W. HOPMAN,
JOHN S. HORNBERG,
STEPHEN P. IPPOLITO, SR.,
JAMES T. KANDL,
BRUCE A. KENNEDY,
WALTER C. KIRK, JR.,
PAMELA J. KLOOTTE,
JOHN C. KNIGHT,
KENNETH E. KOBE,
MARK H. KREUTNER,
KENNETH A. LEVIN,
JOHN A. LEVON,
ROBERT M. LOMAZZO,
MICHAEL W. MARTIN,
DAVID G. MATHERS,
DAVID W. MCMICHAEL,
GARY G. MOLLER,
WILLIAM S. MOORE,
STEPHEN R. MORRISON,
WILLIAM P. NAYLOR,
CRAIG L. NELSON,
MICHAEL F. NEUBAUER,
STEPHEN M. NEUSER,
STEVEN J. NEVINS,
ALAN D. NEWTON,
GLENDA E.S. NUCKOLS,
ROBERT A. OLSON,
PAUL B. OSBORNE,
JOHNNIE D. OVERTON,
STEPHEN W. OWEN,
CHARLES W. PEMBLE III,
THOMAS J. PLAMONDON,
RONALD L. PLEIS,
FORREST R. POINDEXTER,
STEPHEN W. PORTER,
MARIA A. RABBITO,
WILLIAM H. RAINES,
REX T. RAPER,
THOMAS C. REINHART,
JOHN J. RICHTER III,
DAVID A. SATHER,
KIRK D. SATROM,
STEPHEN A. SCHMIDT,
ERIC S. SCHUERMER,
JEFFRY R. SHAEFER,
MICHAEL D. SHANNON,
RAYANNE F. SHANNON,
MICHAEL F. SHEDLOSKY,
JAMES L. SHEETS,
CARL C. SHOFF,
JOHNNY L. SILER,
RONNY M. SIMMONS,
MICHAEL W. SMITH,
SHEILA W.W. SONGRUCH,
JUDY P. STRICKLAND,
ROBERT E. SUNQUIST,
FAITH A. THOMAS,
HAROLD S. WESTERHOLM III,
SCOTT W. WIGGINS,
DERRICK K. WILCHER,
BARRY M. WYMAN,

DAVID O. CHASTAIN,
MURPHY A. CHESNEY III,
ALAN W. CHRISTENSEN,
WILLIAM R. CLARK,
DONALD J. CLEMENT,
RONALD R. COFFEY,
JACK L. DAVIS,
KENNETH R. DAVIS,
WILLIAM E. DICKERSON,
JAMES W. DICKEY III,
JOHN G. DORAN, JR.,
JEAN B. DORVAL,
DENNIS M. DREHNER,
JAMES P. DURNING,
GLENN W. EHRLICH,
TERRY D. EXSTRUM,
SHARON A. FALKENHEIMER,
JOHN A. FLING,
TIMOTHY GEORGEAS,
ROBERT H. GIBBS,
PAUL E. GILLIAM, JR.,
KENNETH F. GLIFORT,
CHARLES B. GREEN,
JOAN R. GRIFFITH,
LARRY LYNN HAGAN,
KENNETH C. HANCOCK,
ROBERT O. HARDY,
CHRISTOPHER N. HEINRICHS,
JOHN R. HYATT, JR.,
IAN J. JOHNSON,
FREDERICK W. JONES,
MICHAEL D. JONES,
WILLIAM M. KELLY,
JASON Y. KIM,
THOMAS H. KING,
KELLY J. KRIZAN,
SHELLEY D. LARSON,
CHI H. LE,
KENNETH D. LECKIE,
JOHN E. LEWIS,
MICHAEL J. LUCCA,
GREGORY K. LUX,
GREGORIA MARRERO,
JOHN A. MARSHALL II,
LINDSEY S. MARTINSON,
JOHN A. MAYER,
DAVID A. MCCARTHY,
KATHLEEN M. MCCAULIN,
JAMES W. MCCRISKIN,
DANIEL P. MCMAHON,
MILTON A. MEINHARDT,
JOHN M. MILBOURN,
ALEX A. MORALES-CALANCA,
PAUL E. MORTON,
KEVIN J. NEHRING,
CAROLYN G. NEWTON,
JOHN J. O'DONNELL,
HENRY J. O'NEAL,
DONALD OSBORNE,
RELPH E. PATTERSON,
DONALD E. PATTYNER,
JACK A. PEARSON,
STEVEN J. PEREZ,
JEB S. PICKARD,
GALEN V. POOLE,
CHARLES D. PROCTER,
PRATHIBA RAM,
JAMES D. REEVES,
LONDE A. RICHARDSON,
RUTH A. ROBINSON,
ROBERT L. RUXER, JR.,
GERALD W. SABOE,
RAFAEL M. SANTIAGO,
ROBERT E. SAYERS,
THOMAS E. SCOTT,
FRANK J. SHEPPARD,
RASA S. SILENAS,
CRAIG M. SLATER,
DAVID C. SMITH,
RUSSELL R. SNYDER,
LEO J. SPACCAVENTO,
PETER J. STEPHENS,
CHARLES B. STEVENS,
JAMES B. STEWART, JR.,
NELSON H. STURGIS III,
MARK G. SWEDENBURG,
EDWARD TAXIN,
THOMAS M. TAYLOR,
DOROTHY J. THOMPSON,
JAMES M. THOMPSON,
GREGORY J. TOUSSAINT,
HUBERT N. TRUSS,
PAT L. UNTERSEHER,
PETER A. VALEN,
RODGER D. VANDERBEEK,
RONALD C. WALKER,
STEPHEN G. WALLER,
JERRY D. WEATHERS,
JAY A. WEISS,
ROBERT G. WELLMAN,
JOHNNY B. WHELOCK,
KATHLEEN W. WILSON,
MICHAEL R. WILSON,
ROBERT A. WILSON,
THOMAS F. WOLD,
EARL G. WOLF, JR.,
RICHARD B. ZELLMER,
ROBERT G. ZERULL,

MEDICAL CORPS

To be colonel

WILLIAM G. BARTLETT,
WILLIAM K. BUTLER,
TEE S. CAMPION,
FRANK E. CARPENTER,
NORMA J. C. CORREA,
GEORGE R. CREECH,
BRIAN M. DAVIS,
VINCENT F. X. DEENEY,
MICHAEL J. DICKERSON,
DOUGLAS R. DOUVILLE,
KENNETH D. DYKSTRA,
ALVARO J. ESPINOSA,
WILLIAM JAMES FOODY,
MALCOLM N. GOODWIN, JR.,
RONALD E. GRIMWOOD, JR.,
WILLY I. M. M. HUYGHE,
JOSEPH E. KELLEY,
JOHN C. LEOPOLD,
PHILIP R. MARTIN, JR.,
RAYMOND E. MATSON,
FREDRICK A. MCCURDY,
PATRICIA M. MCGANNON,
LLOYD P. MCGINNIS,
WILLIAM Y. MCKEE,
DANNY W. MYERS,
WINGSHEUNG NGDILLON,
MALIWAN K. NUANGCHAMNONG,
LYONTO B. NUNES,
RAMON L. ORTALIZ,
PATRICK G. PAGLEN,
SUSHILA M. PATEL,
RONALD W. PLEMONS,
DAVID E. PORTERFIELD,
KAMAL K. RAISANI,
THOMAS K. RESAN,
HOWARD L. RITTER, JR.,
LEE P. RODGERS,
WALTER A. ROLL, JR.,
JAMES G. ROUDEBUSH,
GUALBERT M. SANCHEZ,
KLAUS O. SCHAFFER,
DAVID C. SCHUTT,
JOHN S. SILVA,
DONALD Z. SOKOL,
JAY D. SPRENGER,
JAMES D. STEVENSON,
ROBERT L. TRAMALONI,
GARRETT R. TUCKER, III,

STEPHEN G. BURKE,
RICHARD BUSSONE,
JOSEPH D. CAMACHO,
JEFFREY H. CAMM,
MARK T. CARLSON,
BRADFORD W. CHRISTENSEN,
DOUGLAS A. CLARKE,
HOWARD F. CONE, JR.,
MONTE L. COOPER,
MULLEN O. COOVER, JR.,
CLIFFORD W. CORNELIUS,
WALTER C. DANIELS,
RICHARD D. DAVIS,
ALEX A. DEPERALTA, JR.,
HERMAN S. DICKERSON,
DAVID A. DZIACHAN,
ROBERT L. ECKLES,
RICHARD C. EDWARDS,
ALAN L. FAHRDRICH,
JOHN E. FARHOOD,
JAMES J. FLAGGERT III,
FRANK J. FOREMAN,
MARK A. GEISEL,
GEORGE J. GERDTS,
FLOYD W. GREEN,
PAUL D. GREENE, JR.,
BARRY P. GREENLEY,
THURSTON P. GREENWOOD,
THEODORE J. GRELLNER,
JEFFREY C. HAMBLETON,
JEANNE HANSENBAYLES,
ROBERT L. HEIST,
THOMAS J. HILTON,
RICHARD M. HIRAKI,
JOHN W. HOPMAN,
JOHN S. HORNBERG,
STEPHEN P. IPPOLITO, SR.,
JAMES T. KANDL,
BRUCE A. KENNEDY,
WALTER C. KIRK, JR.,
PAMELA J. KLOOTTE,
JOHN C. KNIGHT,
KENNETH E. KOBE,
MARK H. KREUTNER,
KENNETH A. LEVIN,
JOHN A. LEVON,
ROBERT M. LOMAZZO,
MICHAEL W. MARTIN,
DAVID G. MATHERS,
DAVID W. MCMICHAEL,
GARY G. MOLLER,
WILLIAM S. MOORE,
STEPHEN R. MORRISON,
WILLIAM P. NAYLOR,
CRAIG L. NELSON,
MICHAEL F. NEUBAUER,
STEPHEN M. NEUSER,
STEVEN J. NEVINS,
ALAN D. NEWTON,
GLENDA E.S. NUCKOLS,
ROBERT A. OLSON,
PAUL B. OSBORNE,
JOHNNIE D. OVERTON,
STEPHEN W. OWEN,
CHARLES W. PEMBLE III,
THOMAS J. PLAMONDON,
RONALD L. PLEIS,
FORREST R. POINDEXTER,
STEPHEN W. PORTER,
MARIA A. RABBITO,
WILLIAM H. RAINES,
REX T. RAPER,
THOMAS C. REINHART,
JOHN J. RICHTER III,
DAVID A. SATHER,
KIRK D. SATROM,
STEPHEN A. SCHMIDT,
ERIC S. SCHUERMER,
JEFFRY R. SHAEFER,
MICHAEL D. SHANNON,
RAYANNE F. SHANNON,
MICHAEL F. SHEDLOSKY,
JAMES L. SHEETS,
CARL C. SHOFF,
JOHNNY L. SILER,
RONNY M. SIMMONS,
MICHAEL W. SMITH,
SHEILA W.W. SONGRUCH,
JUDY P. STRICKLAND,
ROBERT E. SUNQUIST,
FAITH A. THOMAS,
HAROLD S. WESTERHOLM III,
SCOTT W. WIGGINS,
DERRICK K. WILCHER,
BARRY M. WYMAN,

DAVID O. CHASTAIN,
MURPHY A. CHESNEY III,
ALAN W. CHRISTENSEN,
WILLIAM R. CLARK,
DONALD J. CLEMENT,
RONALD R. COFFEY,
JACK L. DAVIS,
KENNETH R. DAVIS,
WILLIAM E. DICKERSON,
JAMES W. DICKEY III,
JOHN G. DORAN, JR.,
JEAN B. DORVAL,
DENNIS M. DREHNER,
JAMES P. DURNING,
GLENN W. EHRLICH,
TERRY D. EXSTRUM,
SHARON A. FALKENHEIMER,
JOHN A. FLING,
TIMOTHY GEORGEAS,
ROBERT H. GIBBS,
PAUL E. GILLIAM, JR.,
KENNETH F. GLIFORT,
CHARLES B. GREEN,
JOAN R. GRIFFITH,
LARRY LYNN HAGAN,
KENNETH C. HANCOCK,
ROBERT O. HARDY,
CHRISTOPHER N. HEINRICHS,
JOHN R. HYATT, JR.,
IAN J. JOHNSON,
FREDERICK W. JONES,
MICHAEL D. JONES,
WILLIAM M. KELLY,
JASON Y. KIM,
THOMAS H. KING,
KELLY J. KRIZAN,
SHELLEY D. LARSON,
CHI H. LE,
KENNETH D. LECKIE,
JOHN E. LEWIS,
MICHAEL J. LUCCA,
GREGORY K. LUX,
GREGORIA MARRERO,
JOHN A. MARSHALL II,
LINDSEY S. MARTINSON,
JOHN A. MAYER,
DAVID A. MCCARTHY,
KATHLEEN M. MCCAULIN,
JAMES W. MCCRISKIN,
DANIEL P. MCMAHON,
MILTON A. MEINHARDT,
JOHN M. MILBOURN,
ALEX A. MORALES-CALANCA,
PAUL E. MORTON,
KEVIN J. NEHRING,
CAROLYN G. NEWTON,
JOHN J. O'DONNELL,
HENRY J. O'NEAL,
DONALD OSBORNE,
RELPH E. PATTERSON,
DONALD E. PATTYNER,
JACK A. PEARSON,
STEVEN J. PEREZ,
JEB S. PICKARD,
GALEN V. POOLE,
CHARLES D. PROCTER,
PRATHIBA RAM,
JAMES D. REEVES,
LONDE A. RICHARDSON,
RUTH A. ROBINSON,
ROBERT L. RUXER, JR.,
GERALD W. SABOE,
RAFAEL M. SANTIAGO,
ROBERT E. SAYERS,
THOMAS E. SCOTT,
FRANK J. SHEPPARD,
RASA S. SILENAS,
CRAIG M. SLATER,
DAVID C. SMITH,
RUSSELL R. SNYDER,
LEO J. SPACCAVENTO,
PETER J. STEPHENS,
CHARLES B. STEVENS,
JAMES B. STEWART, JR.,
NELSON H. STURGIS III,
MARK G. SWEDENBURG,
EDWARD TAXIN,
THOMAS M. TAYLOR,
DOROTHY J. THOMPSON,
JAMES M. THOMPSON,
GREGORY J. TOUSSAINT,
HUBERT N. TRUSS,
PAT L. UNTERSEHER,
PETER A. VALEN,
RODGER D. VANDERBEEK,
RONALD C. WALKER,
STEPHEN G. WALLER,
JERRY D. WEATHERS,
JAY A. WEISS,
ROBERT G. WELLMAN,
JOHNNY B. WHELOCK,
KATHLEEN W. WILSON,
MICHAEL R. WILSON,
ROBERT A. WILSON,
THOMAS F. WOLD,
EARL G. WOLF, JR.,
RICHARD B. ZELLMER,
ROBERT G. ZERULL,

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

DENTAL CORPS

To be lieutenant colonel

STEPHEN W. ANDREWS,
PETER J. BALOGH,
VERMON C. BARNEY,
DONALD M. BELLES,
WALTON L. BOLGER,
TOMMY E. BOWMAN,
DENNIS M. BRICH,
JOHN B. BRILEY,
DAVID B. BROOM,
JAMES C. BROOME, JR.,
MICHAEL R. BROWN,

SUSAN P. ABERNATHY,
THERESE J. ADDISON,
CHARLES E. ALLEN,
HANS E. ARVIDSON,
RAYMOND T. BARBERA,
RICHARD J. BARRY,
RICHARD J. BARTH,
THOMAS N. BEACH,
CARLA A. BEECHIE,
WILLIAM F. BINKLEY,
JERROLD G. BLACK,
WILLIAM R. BLACK,
CRAIG E. CHAMBERLAIN,

DAVID O. CHASTAIN,
MURPHY A. CHESNEY III,
ALAN W. CHRISTENSEN,
WILLIAM R. CLARK,
DONALD J. CLEMENT,
RONALD R. COFFEY,
JACK L. DAVIS,
KENNETH R. DAVIS,
WILLIAM E. DICKERSON,
JAMES W. DICKEY III,
JOHN G. DORAN, JR.,
JEAN B. DORVAL,
DENNIS M. DREHNER,
JAMES P. DURNING,
GLENN W. EHRLICH,
TERRY D. EXSTRUM,
SHARON A. FALKENHEIMER,
JOHN A. FLING,
TIMOTHY GEORGEAS,
ROBERT H. GIBBS,
PAUL E. GILLIAM, JR.,
KENNETH F. GLIFORT,
CHARLES B. GREEN,
JOAN R. GRIFFITH,
LARRY LYNN HAGAN,
KENNETH C. HANCOCK,
ROBERT O. HARDY,
CHRISTOPHER N. HEINRICHS,
JOHN R. HYATT, JR.,
IAN J. JOHNSON,
FREDERICK W. JONES,
MICHAEL D. JONES,
WILLIAM M. KELLY,
JASON Y. KIM,
THOMAS H. KING,
KELLY J. KRIZAN,
SHELLEY D. LARSON,
CHI H. LE,
KENNETH D. LECKIE,
JOHN E. LEWIS,
MICHAEL J. LUCCA,
GREGORY K. LUX,
GREGORIA MARRERO,
JOHN A. MARSHALL II,
LINDSEY S. MARTINSON,
JOHN A. MAYER,
DAVID A. MCCARTHY,
KATHLEEN M. MCCAULIN,
JAMES W. MCCRISKIN,
DANIEL P. MCMAHON,
MILTON A. MEINHARDT,
JOHN M. MILBOURN,
ALEX A. MORALES-CALANCA,
PAUL E. MORTON,
KEVIN J. NEHRING,
CAROLYN G. NEWTON,
JOHN J. O'DONNELL,
HENRY J. O'NEAL,
DONALD OSBORNE,
RELPH E. PATTERSON,
DONALD E. PATTYNER,
JACK A. PEARSON,
STEVEN J. PEREZ,
JEB S. PICKARD,
GALEN V. POOLE,
CHARLES D. PROCTER,
PRATHIBA RAM,
JAMES D. REEVES,
LONDE A. RICHARDSON,
RUTH A. ROBINSON,
ROBERT L. RUXER, JR.,
GERALD W. SABOE,
RAFAEL M. SANTIAGO,
ROBERT E. SAYERS,
THOMAS E. SCOTT,
FRANK J. SHEPPARD,
RASA S. SILENAS,
CRAIG M. SLATER,
DAVID C. SMITH,
RUSSELL R. SNYDER,
LEO J. SPACCAVENTO,
PETER J. STEPHENS,
CHARLES B. STEVENS,
JAMES B. STEWART, JR.,
NELSON H. STURGIS III,
MARK G. SWEDENBURG,
EDWARD TAXIN,
THOMAS M. TAYLOR,
DOROTHY J. THOMPSON,
JAMES M. THOMPSON,
GREGORY J. TOUSSAINT,
HUBERT N. TRUSS,
PAT L. UNTERSEHER,
PETER A. VALEN,
RODGER D. VANDERBEEK,
RONALD C. WALKER,
STEPHEN G. WALLER,
JERRY D. WEATHERS,
JAY A. WEISS,
ROBERT G. WELLMAN,
JOHNNY B. WHELOCK,
KATHLEEN W. WILSON,
MICHAEL R. WILSON,
ROBERT A. WILSON,
THOMAS F. WOLD,
EARL G. WOLF, JR.,
RICHARD B. ZELLMER,
ROBERT G. ZERULL,

MEDICAL CORPS

To be lieutenant colonel

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

DENTAL CORPS

To be major

- DENNIS M. ANDERSON, MICHAEL J. ATWOOD, BARBARA BARNETT, JAMES C. BRAUN, PHILLIP B. BRINTLE, GRAIG D. BROWN, ROBERT R. BURNETT, MONTE L. CARLSON, GARY A. CARTER, ALLEN J. CHRISTENSON, TIMOTHY S. CLASEMAN, ELIZABETH J. DEBELIUS, DANIEL L. DEFAZIO, RANDALL C. DUNCAN, HUONG L. DUONG, DONALD G. EASTIN, DOUGLAS M. ERICKSON, ROBERT F. FERREK, SALVADOR FLORES, JR., JAMES M. GAMBILL, WILLIAM B. GARDNER, DAVID A. GONZALES, THOMAS W. GRACE, MICHAEL C. HALL, BRIAN LEE HASSE, JAMES M. HEIT, LEE A. HOLSTEIN, CHARLES A. HOLT, WILLIAM F. JENNINGS, ROBERT G. KARKER, LESLIE KARNS, MICHAEL A. KOCH, JOHN C. LEIST, III, JAMES S. LINDEMUTH, GARY C. MARTIN, CHRISTOPHER C. MEDLEY, STEPHEN W. MERRILL, JOHN J. MIKOTOWICZ, RICHARD R. MILLER, KEVIN W. MORRILL, JOHN H. MUMFORD, GARY M. NASSIF, BRADLEY J. NELSON, KEVIN M. NOALL, JAMES L. PAUKERT, ALAN L. PEET, ROBERT H. POINDEXTER, THOMAS G. RICE, HOWARD W. ROBERTS, STACY E. ROBINSON, PAUL M. ROGERS, TODD F. SHOCKLEY, JEREMY J. SMITH, JAMES R. SPALDING, JR., DAVID A. STANCZYK, DENNIS L. STARKEY, LARRY TABATCHNICK, WALTER L. THOMAS, KRAIG S. VANDEWALLE, DOUGLAS C. WILSON.

MEDICAL CORPS

To be major

- STEVEN M. ABBADESSA, MICHAEL J. AINSOUGH, MICHAEL P. ALBERT, STEFANIE M. ALPERT, DENNIS THOMAS ALTEH, DANIEL P. ALYEA, BRITT ANDERSON, CHESTER ANDRZEJEWSKI, JR., JACK ANSTANDIG, GARY DAWAYNE BABBITT, PAUL LINCOLN BALDRIDGE, JOHN E. BARBER, PHILLIP D. BARNELL, RICHARD D. BAUER, EVERETT E. BAYNE, MICHAEL V. BEHESHTI, MARK C. BIDWELL, WILLIAM D. BIEDIGER, STEPHEN J. BLAIR, STEVEN J. BLATCHFORD, DANIEL RICHARD BLIZZARD, GARY M. BLUM, MARGARET ELLEN BOJANOWSKI, FRANK O. BONNARENS, JR., SCOTT LEE BOOTH, KRAIG S. BOWER, CHARLES A. BROWN, JR., TIMOTHY G. BRYANT, CLARE W. BUDD, JAMES T. BUFFUM, MICHAEL J. BUTLER, JAY M. BUTTERMAN, LUIS A. CALDERANIEVES, LETA T. CALLAHAN, EDWARD C. CALLAWAY, TERESA ALLEN CAMPBELL.

- JOSEPH CAPRE, CHRISTOPHER CASEY, SUZANNE M. CECCONI, DOUGLAS J. CHADBOURNE, DONALD H. CHAMBERLAIN, BRIAN D. CHESHIRE, CHRISTOPHER L. CHONG, TIMOTHY Y. CHOU, BRUCE K. CHUNG, JOHN T. CINCO, JOHN R. CLARK, LINDA S. COLE, MARI L. J. COLE, SCOTT C. COLE, WILLIAM E. COLLIER, DOUGLAS A. CONIGLIARO, DAVID A. CONNETT, THOMAS C. CONNOLLY, CARL J. CONNORS, ROBERT D. COOPER, TIMOTHY S. CORCORAN, KENNETH L. COX, CHRISTOPHER M. CRISCUOLO, CRAIG WAYNE CURTIS, RONETTE E. CYKA, PATRICK J. DAIGLE, JONATHAN S. DAITCH, SEANA K. DALY, BRAD L. DANSKY, JOHN R. J. DARBY, HARIKRISHNA R. DAVE, LOS REYES OCTAVIO DE, MARTIN A. DEFRANCESCO, DOMINIC A. DEFRANCIS, GERARDO O. DELVALLE, DEBORAH A. DEMARAIS, PETER F. DEMITRY, MICHAEL JOSEPH DEPERA, SANDRA D. DICKERSON, BERNHARD E. DIETZ, SHARON L. DIXON, WILLIAM W. DODSON, ARAM M. DONIGIAN, RAYMOND S. DOUGHERTY, JOHN R. DOWNS, TIMOTHY J. DOWNS, DAVID S. DROZEK, CORY D. DUNN, XAVIER A. DURALDE, THOMAS M. DYKES, MARY J. DYLLA, RUSSELL W. EGGERT, HOWARD EHRENFELD, MARC A. ELLER, JOHN A. ENGELMANN, JR., MICHAEL T. EUSTIS, CHRISTIAN T. EVANS, JEFFREY C. EVANS, THOMAS MICHAEL FAME, JOHN A. FANT, SHAWNEE L. FARNHAM, RANDALL R. FILLMORE, NEIL W. FISHER, THOMAS A. FISK, MARK G. FLAMMER, WAYNE MING ART PONG, KAREN A. FOX, MELANIE ANN FREDERICK, HARLEE A. FRIED, MARC J. FRIEDMAN, MELISSA H. FRIES, DANIEL C. GARNER, RUSSELL G. GELORMINI, SHARON R. GENUNG, JAMES L. GIEM, JOHN F. GILLIS, JOHN S. GOLDEN, DAVID A. GOODWIN, TRACY A. GORDON, VINCENT M. GORE, MICHAEL J. GORMLEY, BRIAN T. GOULD, BRENDA A. GOWESKY, THOMAS E. GRAY, CAROL JOY GREEN, DAVID ANDREW GREEN, GLEN A. GREEN, GORDON J. GRIESHABER, DAVID O. GRIFFITH, WILLIAM C. GRIGGS, RENE A. GUERRERO, JAMES W. GUYER, KEITH J. HAAR, PATRICIA RUBY RICHARDS HALL, ROBERT B. HANLIN, DAN ROLLAND HANSEN, MARK S. HARBER, ROBERT J. HARDEE, KEVIN R. HARDY, SUSAN MARIE HARRELL, PAUL C. HARRIS, FLOYD W. HARTSELL, TOM A. HARTSUCH, MARK S. HEBERLEIN, LAURA K. HEID, RICHARD EUGENE HENRY, BYRON C. HEPBURN, NORMAN L. HERMAN, GUILLERMO HERNANDEZ, DOUGLAS C. HINGSBERGEN, MARK DUANE HINGST, WILLIAM B. HOCOTT.

- SCOTTY D. HODGES, BRUCE ROLLAND HOLMES, STEPHEN R. HOLT, NATHAN S. HONDA, TOMMY D. HOWEY, JOHN W. HUFFMAN, BRIAN C. HULL, MICHAEL M. HUNTER, LEO D. HURLEY, PATRICK EDWARD HURLEY, ROBERT S. ISRAEL, LEON S. JACKSON, SHARON G. JACKSON, LEONARD H. JAMES, DOUGLAS A. JOHNSON, ROBERT JOHNSON, BERNARD LEE JONES, PHILLIP W. JONES, VICKIE D. JONES, DAVID BRAY KAERICHER, PHILIP J. KAPROS, MARY E. KATOPODIS, JAMES K. KAVANAGH, JOSEPH J. KENNY, SUSAN B. KIES, JAMES A. KING, RICHARD GREGG KISHABA, PRICE M. KLOESS, JAMES R. KNOWLES, GWENDOLYN KNUCKLES, PHILIP W. KOLOSOKI, KATHERINE L. KOMENDOWSKI, JOHN D. KOPP, TIMOTHY M. KORITZ, RANDY M. KRIDER, KATHLEEN A. KRUK, ANDREW KRUPITSKY, DAVID O. KUTSCHE, KAREN M. KYLE, JAMES R. LANDGRAVE, PHYLLIS J. LASHLEY, JAMES H. LAUER, THOMAS M. LEHMAN, JAMES W. LESTER, JR., ADAM V. LEVY, DONALD R. LEWIS, JR., KEVIN D. LIGHT, LINNEA P. LINDERMAN, STEVE R. LINDHEIM, HENRY H. LINDNER, RICHARD J. LIOTTA, ROBERT REBER LIU, JAMES M. LONG, ARNALDO LOPEZROMAN, JOHN F. LORENTZ, FRANK J. LORUSSO, STEPHEN F. LOVICH, VANESSA J. LUCARELLA, MAURI G. LUNDERMAN, DEAN A. LUSARDI, CLIFFORD D. LUSK, DEBORAH S. LYON, KATHLEEN A. MACISAAC, CATHERINE A. MADISON, LANCE A. MAKI, MARSHALL P. MALLORY, JOHN L. MANNING, ERON G. MANUSOV, ALBERT F. MAPP, THOMAS J. MARTIN, TIMOTHY W. MARTIN, JAMES S. MASON, MARK WILLIAM MAUER, THOMAS K. MCBRIDE, KEVIN JOSEPH MCCABE, JONI L. MCCLEAN, JEFFREY S. MCCOLLUM, HARLAN A. MCCULLOCH, WILLIAM J. MCCUNE, ELIZABETH A. MCDANIEL, DOUGLAS MCDOWELL, MICHAEL P. MCGUIRE, THOMAS J. MCLAUGHLIN, KEVIN J. MCQUAID, DAVID I. MERKLEY, MARC F. METCALFE, MICHAEL S. MEYERS, RICHARD LEE MIFFLIN, ROBERT R. MILES, STEPHEN K. MILLER, JOSEPH V. MIRENDA, MICHAEL CHRISTOPHER MISKO, ALBERT MORTON MITCHELL, JR., DOUGLAS K. MITCHELL, JAIME E. MONTALVO, JOSUE MONTANEZ, PAUL F. MONTANY, GARRY SCOTT MOORE, JOSEPH C. MOORE, DEBRA L. MOORMAN, CARLOS F. MORALES, ALAN JAMES MORGAN, DARRELL I. MORGAN, FRANK W. MORGAN, JOSEPH STANLEY MOSS, JR., KATHRYN MARIE MURPHY, KENT R. MURPHY, PETER C. MUSKAT, WILLIAM E. MUTH, DAVID H. NAKANO, ANTONIO NELSON, GARY W. NELSON.

JAY C. NEUBAUER, xxx-xx-xxxx  
 CAROL JEAN NEUMAN, xxx-xx-xxxx  
 JAMES S. NEVILLE, xxx-xx-xxxx  
 KENDALL COREY NEWSOME, xxx-xx-xxxx  
 WILLIAM NGUYEN, xxx-xx-xxxx  
 KAREN D. NICHOLSON, xxx-xx-xxxx  
 ALFREDO NIEVESON, xxx-xx-xxxx  
 JOSEF NISENBATUM, xxx-xx-xxxx  
 JOHN M. NOLTE, xxx-xx-xxxx  
 KEITH J. ODEGARD, xxx-xx-xxxx  
 CATHERINE C. OHSIEK, xxx-xx-xxxx  
 JOHN R. OLENYN, xxx-xx-xxxx  
 DEALDREY EDUARDO J. OLMEDO, xxx-xx-xxxx  
 JON T. ONEAL, xxx-xx-xxxx  
 MICHAEL R. ORLANDO, xxx-xx-xxxx  
 MARTIN G. OTTOLINI, xxx-xx-xxxx  
 SCOTT E. OWENS, xxx-xx-xxxx  
 REED G. PANOS, xxx-xx-xxxx  
 JEFFREY O. PANOSIAN, xxx-xx-xxxx  
 JOHN M. PARKINSON, xxx-xx-xxxx  
 JEANETTE S. PARRIS, xxx-xx-xxxx  
 MARY DEFFNER PATTERSON, xxx-xx-xxxx  
 DAVID L. PAUL, xxx-xx-xxxx  
 RONALD L. PEARSON, xxx-xx-xxxx  
 LAWRENCE R. PECK, xxx-xx-xxxx  
 DAVID N. PEDERSON, xxx-xx-xxxx  
 LANGDON PEGRAM, xxx-xx-xxxx  
 JEFFREY J. PELTON, xxx-xx-xxxx  
 JOSE L. PEREZBECERRA, xxx-xx-xxxx  
 MANUEL PEREZMORALES, xxx-xx-xxxx  
 BRADLEY E. PERSONIUS, xxx-xx-xxxx  
 KURT R. PETERS, JR., xxx-xx-xxxx  
 JEFFREY LYNN PETTI, xxx-xx-xxxx  
 JAMES PETTEY, xxx-xx-xxxx  
 DANG T. PHAM, xxx-xx-xxxx  
 PAUL A. PHILLIPS, xxx-xx-xxxx  
 THOMAS H. PHILLIPS, xxx-xx-xxxx  
 BRADLEY R. PLAGA, xxx-xx-xxxx  
 DAVID W. POPP, xxx-xx-xxxx  
 MANUEL B. PORTALATIN, xxx-xx-xxxx  
 DAVID EDMUND POTTER, xxx-xx-xxxx  
 MARK ALBERT POVICH, xxx-xx-xxxx  
 DAVID N. PROCKNOW, xxx-xx-xxxx  
 THERON DALE RAGLE, xxx-xx-xxxx  
 RICARDO RAMIREZ, xxx-xx-xxxx  
 CYNTHIA N. RANDALL, xxx-xx-xxxx  
 HERSHEL D. RANNEY, JR., xxx-xx-xxxx  
 ROBERT R. RAUCH, xxx-xx-xxxx  
 JOSEPH HARRY RAY, xxx-xx-xxxx  
 PAUL E. RECKARD, xxx-xx-xxxx  
 ERIC D. REITZ, xxx-xx-xxxx  
 MICHAEL S. RENICKS, xxx-xx-xxxx  
 STEPHANIE M. REVELS, xxx-xx-xxxx  
 RAYMOND M. REYES, xxx-xx-xxxx  
 TONY C. RICH, xxx-xx-xxxx  
 DAVID CURTIS RICHARD, xxx-xx-xxxx  
 ROBERT R. RIEDLE, xxx-xx-xxxx  
 DOUGLAS J. ROBB, xxx-xx-xxxx  
 MARK P. ROBBINS, xxx-xx-xxxx  
 LAWRENCE A. ROBILLARD, xxx-xx-xxxx  
 TERRY ALAN ROBINSON, xxx-xx-xxxx  
 MARK J. ROLLO, xxx-xx-xxxx  
 DAVID B. ROSENBERG, xxx-xx-xxxx  
 TIMOTHY JOEL ROST, xxx-xx-xxxx  
 JEROME E. RUBBELKE, xxx-xx-xxxx  
 DONALD W. RUMBAUGH, xxx-xx-xxxx  
 MICHAEL T. RUMBLE, xxx-xx-xxxx  
 CAROL A. B. RUPE, xxx-xx-xxxx  
 WILLIAM E. RUSSELL, xxx-xx-xxxx  
 THOMAS PAUL RUSSO, xxx-xx-xxxx  
 ORION ALBERT RUST, xxx-xx-xxxx  
 MICHAEL T. RYAN, xxx-xx-xxxx  
 WILLIAM P. SALISKI, JR., xxx-xx-xxxx  
 DAVID L. SAMANI, xxx-xx-xxxx  
 VINCENTE E. SANCHEZCASTRO, xxx-xx-xxxx  
 TIMOTHY G. SANDERS, xxx-xx-xxxx  
 ELLEN L. SAVAGE, xxx-xx-xxxx  
 NEIL EDWARD SCHAFFNER, xxx-xx-xxxx  
 LAWRENCE JAY SCHARF, xxx-xx-xxxx  
 STEVEN K. SCHIRK, xxx-xx-xxxx  
 JOANN M. SCHNEIDER, xxx-xx-xxxx  
 KENNETH O. SCHOWENGERDT, JR., xxx-xx-xxxx  
 ERIC R. SCHWARZ, xxx-xx-xxxx  
 MICHAEL P. SEAMAN, xxx-xx-xxxx  
 MARK SEIBEL, xxx-xx-xxxx  
 PATRICK BRIAN SHAHAN, xxx-xx-xxxx  
 KEVIN S. SHEA, xxx-xx-xxxx  
 RONALD M. SHELTON, xxx-xx-xxxx  
 CHARLES D. SHERRARD, JR., xxx-xx-xxxx  
 DAVID W. SHAW, xxx-xx-xxxx  
 MICHAEL K. SILBERMAN, xxx-xx-xxxx  
 JOHN HOWARD SIMMONS, xxx-xx-xxxx  
 HERIANTO SJAHLI, xxx-xx-xxxx  
 KIMBERLY A. SLAWINSKI, xxx-xx-xxxx  
 DANE E. SMITH, xxx-xx-xxxx  
 GARY E. SMITH, xxx-xx-xxxx  
 JAMES R. SMITH, xxx-xx-xxxx  
 MICHAEL B. SMITH, xxx-xx-xxxx  
 ANN K. SMITHRUDDICK, xxx-xx-xxxx  
 GERALD RAY SNYDER, xxx-xx-xxxx  
 ENDEL A. SORRA, xxx-xx-xxxx  
 ROBERT LESTER SPANGLER, xxx-xx-xxxx  
 MICHAEL L. SPARACINO, xxx-xx-xxxx  
 JOHN F. SPERLING, xxx-xx-xxxx  
 CLAIR STEPHEN R. ST, xxx-xx-xxxx  
 BRADLEY B. STANCOMBE, xxx-xx-xxxx  
 BRAM S. STARR, xxx-xx-xxxx  
 KATHY LYNN STEWART, xxx-xx-xxxx  
 ROBERT P. STICCA, xxx-xx-xxxx  
 KEVIN E. STIGALL, xxx-xx-xxxx  
 MARY F. STONER, xxx-xx-xxxx  
 RICHARD S. STONER, xxx-xx-xxxx

MICHAEL A. STRIGENZ, xxx-xx-xxxx  
 AUDREY E. STRYKER, xxx-xx-xxxx  
 RICHARD A. STUNY, xxx-xx-xxxx  
 STEPHEN J. SUSS, xxx-xx-xxxx  
 GEORGE M. SYLVESTER, xxx-xx-xxxx  
 RONALD E. TALBERT, xxx-xx-xxxx  
 JOHN J. TAPPEL, xxx-xx-xxxx  
 KEN M. TASHIRO, xxx-xx-xxxx  
 NORMAN L. TAYLOR, xxx-xx-xxxx  
 STEPHEN M. THOMAS, xxx-xx-xxxx  
 JAMES L. THOMASON, xxx-xx-xxxx  
 GEROME THOMPSON, xxx-xx-xxxx  
 DAVID J. TIPTON, xxx-xx-xxxx  
 KENNETH E. TOBIN, xxx-xx-xxxx  
 TERRY L. TOMLINSON, xxx-xx-xxxx  
 ANDREW TONG, xxx-xx-xxxx  
 CRESCENCIO TORRES, xxx-xx-xxxx  
 GEORGE G. TRACY, xxx-xx-xxxx  
 JAMES M. TRACY, xxx-xx-xxxx  
 CHARLES F. TRAPP, xxx-xx-xxxx  
 DARYL M. TURNER, xxx-xx-xxxx  
 RUSSELL A. TURNER, xxx-xx-xxxx  
 CLAUDIA J. TYBURSKI, xxx-xx-xxxx  
 TERRY M. UNRUH, xxx-xx-xxxx  
 MARC ALAN VALLEY, xxx-xx-xxxx  
 DONALD B. VANBENSCHOTEN, xxx-xx-xxxx  
 SCOTT W. VANVALKENBURG, xxx-xx-xxxx  
 CARMEN R. VARIN, xxx-xx-xxxx  
 MICHAEL P. VAUGHN, xxx-xx-xxxx  
 ROBERT P. VOGT, xxx-xx-xxxx  
 MARIANA K. VOSIKA, xxx-xx-xxxx  
 JAMES THOMAS WALKER, III, xxx-xx-xxxx  
 DAVID P. WALLACE, xxx-xx-xxxx  
 JON H. WALZ, JR., xxx-xx-xxxx  
 VICTOR T. WARNER, xxx-xx-xxxx  
 DOUGLAS C. WARREN, xxx-xx-xxxx  
 JOHN W. WATSON, xxx-xx-xxxx  
 MICHAEL R. WATSON, xxx-xx-xxxx  
 JOSEPH MATTHEW WEMPE, xxx-xx-xxxx  
 CHARLES B. WEST, JR., xxx-xx-xxxx  
 RAYMOND W. WHITTED, xxx-xx-xxxx  
 GREGORY M. WICKER, xxx-xx-xxxx  
 WILLIAM A. WIEN, xxx-xx-xxxx  
 BENJAMIN A. WILLIAMS, III, xxx-xx-xxxx  
 CHRISTOPHER S. WILLIAMS, xxx-xx-xxxx  
 VERNON F. WILLIAMS, xxx-xx-xxxx  
 CARL T. WILSON, xxx-xx-xxxx  
 ROBERT A. WILSON, xxx-xx-xxxx  
 SCOTT D. WINSTON, xxx-xx-xxxx  
 ROLAND H. WINTER, xxx-xx-xxxx  
 JAMES T. WOLFE, xxx-xx-xxxx  
 DAVID G. WOODWARD, xxx-xx-xxxx  
 KELLY H. WOODWARD, xxx-xx-xxxx  
 PAULA J. WOODWARD, xxx-xx-xxxx  
 BRIAN D. WOLFORD, xxx-xx-xxxx  
 JOHN D. WOOTEN, III, xxx-xx-xxxx  
 FRANCIS M. WRIGHT, JR., xxx-xx-xxxx  
 GARTH B. WRIGHT, xxx-xx-xxxx  
 LAWRENCE D. WURTZ, xxx-xx-xxxx  
 CAREY M. ZIEMER, xxx-xx-xxxx  
 MARK DOUGLAS ZIMMERMAN, xxx-xx-xxxx  
 JOHN P. ZUBIALDE, xxx-xx-xxxx

GREGORY PAUL KNISS  
 MICHAEL NORMAN KNOWLAN  
 RANDY BRUCE KOZEL  
 RICHARD P. KUEHNE  
 WILLIAM M. LANDI  
 BRUCE SCOTT LAVIN  
 DAVID PAUL LAWRENCE  
 JOHN M. LAWSON  
 DENNIS JAMES LEE  
 KENNETH E. LEONARD  
 DAVID LEE LOUWSMA  
 LAVERNE RAY LOVELL  
 LARRY JOSEPH LUTER  
 CHARLES J. MACRI  
 JOSEPH LAWRENCE MALONE  
 ALAN LEE MANSON  
 THOMAS EDWARD MARFING  
 GREGORY GERRIT MARINO  
 WILLIAM HENRY MARTLAND  
 LUTHER M. MAYS  
 WILLIAM WINDS MCDANIEL  
 JAMES C. METCALF  
 STEPHEN ALLEN MEYERS  
 FREDERICK EDWA MILLARD  
 MICHAEL ENRIGHT MOORE  
 DANA JAMES MORRIS  
 ANTHONY LEWIS MORTON  
 CASIMIR NAPORA  
 BERNARD P. NEWMAN  
 BRIAN FRANCIS NEWMAN  
 THOMAS ALBERT NICCOLAI  
 NARAYAN VITHAL NIMBKAR  
 MICHAEL JOSEPH OLEARY  
 MARK DOUGLAS PEACOCK  
 BRIAN LEE PETERSON

SUPPLY CORPS OFFICERS

To be commander

CHRIS LEON APPLE  
 ANDREW PAUL BAIVIER  
 RANDLE DOUGLAS BALES  
 SUSAN WAKELAND  
 BALLARD  
 JOSEPH LELAND  
 BANDLEW, JR.  
 WILLIAM ALBERT BARNES  
 NANETTE ELIZAB BENSONSCHLAX  
 WILLIAM EDWARD BICKERT, JR.  
 JAMES DOUGLAS BREITLING, JR.  
 GREGORY ANTHONY BROWN  
 WILLIE ALTON BROWN  
 GIGETTE PATRICIA CALDWELL  
 JEFFREY LYNN CIZEK  
 RONALD ANTHONY COOPER  
 JOHN CHARLES CORBETT  
 HOWARD W. COUCH, JR.  
 ROBERT EMMETT COWLEY, III  
 FRED SEBERRY CULVYHOUSE  
 DAVID MICHAEL DEALY  
 BARRY JOHN DENBROCK  
 ANTHONY MICHAEL DOVIE  
 JOHN ROBERT DOYLE  
 CHRISTOPHER JOHN EASTON  
 PATRICK ALAN ELLIOTT  
 KEITH BOULTON FARGO  
 JOHN CLINTON FIENUP  
 JAMES TIMOTHY FREIHOFER  
 STEVEN SHUEY FUNCK  
 JOHN MARK GRAHAM  
 RICHARD DAVID GRAY

CHAPLAIN CORPS OFFICERS

To be commander

JAMES W. ANDERSON  
 CHARLES T. BROWN  
 GEORGE DENNIS COOPER  
 LARRY KEITH CREIGHTON  
 JAMES C. DUNCAN  
 MICHAEL TERRY HALL  
 STEPHEN J. LINEHAN  
 JIMMY HAROLD MARTIN  
 TIMOTHY TADAYOSHI MORITA

IN THE NAVY  
 THE FOLLOWING-NAMED LIEUTENANT COMMANDERS IN THE STAFF CORPS OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be commander

VICTOR A. ALETICH  
 MICHAEL R. AMBROSE  
 PETER HARTWELL BAGLEY  
 SCOTT M. BALDERSTON  
 ROBERT L. BARRACK  
 JON D. BAYER  
 WILLIAM J. BIGHAM  
 MARCOS BORRERO  
 HERBERT H. BOWDEN, JR.  
 BARBARA MILLER BRADLEY  
 JOHN G. BRADY  
 DENNIS PATRICK BREENE  
 DELAND D. BURKS  
 CAROL ANN MIEGE CAPLAN  
 JUDY LYNN CHAMPAIGN  
 THOMAS GEORGE CHULSKI  
 BARRY DAVID COHEN  
 CHARLES M. COLLINS  
 CURTIS ELLIOT CUMMINGS  
 CHARLENE DENISE DARROW  
 DAVID JAMES DAVIS  
 MICHAEL JOSEPH DAWSON  
 RICHARD LEE DEMING  
 BERNARD T. DESPRES  
 WAYNE ROGER DEVANTIER  
 GREGORY Q. DICK  
 THOMAS JOSEPH DUNTEMANN  
 RUSSELL PHILIP EDWARDS

KENT C. ELLIOTT  
 DEBORAH JEANNE EVANS  
 PAUL EDWARD FARRELL, JR.  
 ROBERT A. FISHER  
 RION JAMES FORCONI  
 SCOTT BARNHART FRAME  
 STEPHEN BRENT FREEMAN  
 DWIGHT CATOR FULTON  
 THOMAS JOHN GELLER  
 STEPHEN DANIEL GIESNER  
 RICHARD MICHAEL GILBERT  
 JOSEPH EDWARD J. GLASER  
 MICHAEL J. GOODWIN  
 RUFUS WADE GORE, IV  
 JIMMY WADE GREEN  
 JOHNNY B. GREEN  
 KENDELL G. HANSEN  
 ROGER WILLIAM HANSON  
 LEE CLESSON HARKER  
 LEE DAEKINS HIEB  
 THOMAS RICHARD HIMES  
 CHRISTINE SPITA HUNTER  
 KATHRYN LEE JOHNSON  
 DONGKYOO RICHARD KANG  
 ARTHUR JOSEPH KELLEHER  
 KEVIN STEWART KENNEDY  
 AMY DORAN KEPPEL  
 ROBERT LAWRENCE KINCAID

JOSEPH KEVIN PIDKOWICZ  
 BALARAM PULIGANDLA  
 MANUEL IZNAO RODRIGUEZ  
 ALBERT STEPHEN RUDOCK  
 JOHN JULIUS SAPP, JR.  
 MICHAEL JOSEPH SAYLOR  
 WILLIAM R. SCHINDLER  
 ROGER E. SCHULTZ  
 JOSEPH M. SCHWARZ  
 BRETT ANDREW SCOTT  
 STEPHEN JAMES SELBY  
 MARTIN CHESTER SEREMET  
 KIRITKUMAR NATWAR SHAH  
 FREDERICK BRET SHANNON  
 ROBERT WAYNE SHARPE  
 THOMAS FRANCIS J. SHUEY  
 KATHLEEN A. SLOCUM  
 JOHN W. STAEHELI  
 MARK DANTON STANLEY  
 MARK K. STEVENS  
 DENIZ SERVER TEK  
 STEPHEN ALTON J. TORREY  
 JOHN EDWARD TUELLER  
 RAWSON J. VALENTINE  
 GERARD VANHOUDT  
 ROBERT ALAN WALES  
 RICK STEVEN WEISSER  
 STANTON KING WESSON  
 BOYD KENDRICK WEST  
 DAVID LEE WILKEY  
 JAMES CURTIS WILSON  
 MARION E. WILSON  
 ROBERT L. YARWOOD  
 JOSEF KLEIN YEAGER  
 SANDRA ARLEEN YERKES  
 CHRISTOPHER W. ZUKOWSKI  
 JAMES MICHAEL ZURBACH

## CIVIL ENGINEER CORPS OFFICERS

*To be commander*

OLIVER EAKLE BARFIELD, JR.  
ARNOLD EMERY  
BERTSCHE  
DON CHRISTENSEN  
BLACK  
JAMES LEE BULLOCK  
BRUCE RALPH CARTER  
PETER LOEWNER CHECK  
DAVID JAMES CLARK  
RONALD WALTER DEWEY  
KEVIN TALMADGE GROSS  
CHARLES ANTHONY HEINRICHS  
DAVID GEORGE HICKMAN  
ERNEST RAY HUNTER  
JOHN MICHAEL KUCINSKI  
THOMAS RICHARD LIEBKE, JR.

## JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

*To be commander*

RONALD JOSEPH BORRO  
KENNETH R. BRYANT  
RAYMOND HOWARD CARLSON  
RONALD IVOR CLOVE  
EDWARD FRANCIS COTTER  
BRUCE BENTON DAVIDSON  
DEAN M. HINKLEY  
STEVEN WILLIAM HORTON  
WALTER LINDGR JACOBSEN  
RAYMOND JOHN KREICHEL

## DENTAL CORPS OFFICERS

*To be commander*

GREGORY B. BERNARD  
ROBERT G. BURCAL  
KENNETH P. BYRNE  
THOMAS CORTEMEGLIA  
JOE MARVIN DUGGER  
RICHARD J. HAGUE  
RONALD DALE HOLDERMAN  
CHARLES L. KIMBERLY  
JAN MARIE LACOMBE  
ROBERT D. MAYNARD  
MARK W. MIEDEMA

WM WALKER KENDA MILLER  
MARK RICHARD PEREZ  
JEFFERY DAVID RENDER  
JAMES E. ROYER  
KIMON A. RUMANES  
BRADEN CURTIS SEAMONS  
LOREN JAMES STEENSON  
KEVIN A. STURDY  
STEVE WILLIAM WALLACE

## MEDICAL SERVICE CORPS OFFICERS

*To be commander*

DENNIS LEALAND ADAMS  
JAMES LEE AYERS  
DOMENIC ALBERT BALDINI  
J. THOMAS BENSON  
THEA BARTUS BRATTON  
GARY CLINTON BREEDEN  
DENNIS RALPH BROZOWSKI  
RONALD EUGENE BUBB  
WILLIAM WALLA CAMPBELL  
THOMAS CANDELARIA  
ROBERT DURKIN CARY  
HARRY CHARLES COPPEY  
BRUCE LAUREN CUSTIS  
DOUGLAS SCOTT DERRER  
MARY JOAN DOOLING  
DAVID THOMAS DUNDON  
HERALD C. EDMOND, JR.  
ROBERT LAWRENCE EDMONS  
ROBY DARGAVEL ENGE  
THOMAS EDWA FLEISCHMAN  
JAMES DANIEL FORD  
LAWRENCE HENRY FRANK  
STANLEY NIXON GARN  
STERLING ELLIS GARNTO  
NANCY PALMER GODBOUT  
GARY DAVID GREGORY  
CHARLES WALTER HAGEN  
RUSSELL DAVID HARBAUGH  
ROBERT N. HAWKINS  
JAMES CRUM HELMKAMP  
DAVID NEIL HILAND  
CARL JAMES HOOTON

## NURSE CORPS OFFICERS

*To be commander*

VIRGINIA REED BEESON  
CAREY THOMAS BOYLE  
ALICE GALLINO CARR  
JIMMIE GLENN COTHERN  
LINDA MARIE DAHN  
MARY HELEN DONAHUE  
JO CAROL ELLIS  
LINDA SUE GABET  
SANDRA MAR GHARABAGHLI  
VICKI KRISTINE GOFF

RICHARD CHARLES KALLAL  
JAMES TIMOTHY KIRCH  
DAVID HILARY LARDY  
EDDIE ALARCON LEE  
HENRY B. LEWANDOWSKI, JR.  
EARLE STANWOOD LIBBY  
CHRISTOPHER RO LISSNER  
WILLIAM FREDRE LORENZEN  
JOHN ALFRED LUNDY  
DAVID HAMILTO MCGARVEY  
THOMAS MURPHY MITCHELL  
RICHARD BURT OBERST  
RICHARD OTLOWSKI  
EDWARD BERN PIECZYNSKI  
MICHAEL EDWARD PLANTE  
WILLIAM RAYMON SATTLEY  
ROBERT MICHAEL SCHNABLE  
PATRICK ALLEN SHANNON  
TIMOTHY J. SINGER  
DONALD RAY THOMPSON  
LEE WADE TOMPKINS  
JOSEPH P. VANLANDINGHAM  
LAWRENCE JAMES WALTERS  
VICTOR MICHAEL WILSON  
DAVID RAY WOKER  
JAMES ARTHUR WRIGHT, JR.

PATRICIA ANNE KENNEY  
MAUREEN DOOHAN KOWBA  
CAROL RIDDELL LANDRY  
NANCY LESCavage  
JUDITH ANN LOHMAN  
MARGARET JANE MARKLEY  
KATHLEEN LOUSCH MARTIN  
BETH ANN MCKINZIE  
MARDEAN ELAINE MEIER  
JANICE WEAVER MORAN  
CATHLEEN SUSA MORELAND  
NANCY JO OWEN

ROBERT LEROY POWELL, JR.  
FE ESPERANZA RODRIGUEZ  
KATHLEEN BARB STOESSEL  
CHERIE HILLI TRENHAILE  
LORI ANN TURPIN  
BARBARA KLOS VERNOSKI  
JACQUELINE KA VERVILLE  
JULIA CAMPB WASHINGTON  
NANCY DARLENE WILSON  
ELAINE MAUREEN WOLF

## LIMITED DUTY OFFICERS (STAFF)

*To be commander*

JOHN W. HAYS  
ALOYSIUS FRANCIS KEMPA

FREDERICK LEONARD MALLARD

## WITHDRAWALS

Executive nominations withdrawn by the President from further Senate consideration, May 31, 1989:

## DEPARTMENT OF STATE

KEITH LAPHAM BROWN, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO DENMARK, WHICH WAS SENT TO THE SENATE ON JANUARY 3, 1989.

WILLIAM ANDREAS BROWN, OF NEW HAMPSHIRE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL, WHICH WAS SENT TO THE SENATE ON JANUARY 3, 1989.

## DEPARTMENT OF TRANSPORTATION

GREGORY S. DOLE, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE MATTHEW V. SCOCOZZA, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 3, 1989.

## DEPARTMENT OF EDUCATION

CHARLES E.M. KOLB, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY UNDER SECRETARY FOR PLANNING, BUDGET AND EVALUATION, DEPARTMENT OF EDUCATION, VICE BRUCE M. CARNES, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 3, 1989.