SENATE—*Tuesday, March 6, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH R. BIDEN, JR., a Senator from the State of Delaware.

PRAYER

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

Let us pray:

Out of the mouth of babes and sucklings hast Thou ordained strength.—Psalms 8:2.

* * * *Suffer the little children to come unto me, and forbid them not: for of such is the kingdom of God.*—Mark 10:14.

The prayer this morning, a reminder of the Biblical texts just quoted, was composed by Carley Stedman, Jr., 8-year-old son of a 19-year veteran of the Capitol Police Force, Carley Stedman, Sr.

Carley, Jr., prayed:

"Dear Lord, thank You, Lord, that I am not poor. Please help the sick, like my grandma. My grandma had 37 operations. Please bless my granddad. He died on January 6, 1990, at 4:30. Thank You for my friends. Thank You for making the world and the Moon. Thank You for the Sun, too. Thank You for Heaven. Thank You for the Holy Bible. Thank You for Mary and Joseph."

And so ends the profound prayer of a child. And, as it is, a child leads us. Thank You, Father in Heaven, for the simplicity and the profundity of a child's prayer, in Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 6, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH R. BIDEN, JR., a Senator from the State of Delaware, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

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.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time for the two leaders, there will be a period for morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for up to 5 minutes each. At 10 a.m. this morning, the Senate will resume consideration of the clean air bill, with the Symms amendment No. 1295 pending.

Debate on the clean air bill will continue throughout the morning until 12:15 p.m. when the Senate will conduct a rollcall vote on the confirmation of the nomination of Clarence Thomas, to the U.S. Circuit Court for the District of Columbia circuit.

Upon the conclusion of that vote, the Senate will recess for the party conferences. When the Senate reconvenes at 2:15 p.m., we will resume consideration of the clean air bill. I urge Members who have expressed an interest in offering amendments to the bill to do so today.

As I indicated last week and again yesterday, and now repeat, I expect there to be votes throughout the day and well into the evening. There will be lengthy sessions throughout this week as we attempt to make progress on the clean air bill.

Again, I have been advised that a number of Senators are planning amendments. I hope that they have the amendments ready to proceed so that we can move forward on this legislation and deal with the several amendments that will be offered.

RESERVATION OF THE LEADERS' TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the time of the distinguished Republican leader.

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

MORNING BUSINESS

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

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

OUR FLAG—A SPEECH GIVEN BY CHAPLAIN BILL E. WILLIAMS, DAV, DEPARTMENT OF NEBRASKA IN NOVEMBER 1989

Mr. EXON. Mr. President, I would ask that a copy of a speech entitled "Our Flag" given by Chaplain Bill E. Williams, a member of the Nebraska Disabled American Veterans, be printed in the CONGRESSIONAL RECORD. To me, Chaplain Williams' poignant words speak eloquently as to why we must maintain the integrity of the American flag, the symbol for which so many brave men and women have sacrificed their lives.

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

OUR FLAG

To me our Flag is not just a symbol of our Country, but it is also a symbol of our way of life. Our way of life that was bought and paid for by the sacrifices of all of this Country's Veterans since the Revolutionary War.

The Veterans' Administration slogan, "The price of Freedom is visible here," does not just apply to the Veterans' Administration Medical Centers, but to this whole Country of ours from sea to shining sea. Our Flag should always be held in the highest esteem and respect due it. Not just as a symbol of this great Country of ours, but as a Memorial to all the Veterans that went before us. That their cause, which was a just cause, in the eyes of, and for the Glory of God, shall never be forgotten.

I am terribly upset and cannot understand, just how the Supreme Court could

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

rule that it's all right to burn the American Flag, Old Glory. I had an older brother that served in the U.S. Navy in Vietnam. He lived through that, and then was tragically killed in a car accident, at the age of 34 years old. He left behind a young widow and three small children.

I have many pleasant memories of my older brother, who I loved dearly, and who was always an inspiration to me. And the thing etched into my memory forever of his funeral, with the Burial Flag drapped over his casket, the same Flag that will be drapped over my casket at my funeral when Our Lord calls me home to walk by his side.

I'll never forget as the Veterans Service Officer, neatly folded the Flag into a "triangle of stars," and handed it to his young widow as Taps was played, the spirit of pride that was there in the cemetery along with the great sorrow and sadness, because my brother was proud to be an American War Veteran, and to have served his Flag honorably. As I am also.

I see the Flag as an extension of my brother, and it stands for all that he held dear to his heart.

That's why I cannot even stand the thought of someone burning our Flag in this Country. It's bad enough they do it overseas.

In Iran on this day as we meet here, they will be burning 160 American Flags in celebration of the 10th Anniversary of the takeover of the American Embassy there, thus they will be burning up my older brother, and they will be burning up me, and you, and every decent upright citizen and veteran that ever lived in this great land of ours under the American Flag. Our Flag!

I urge you each and everyone, the next time you're at a parade and Old Glory passes in front of you waving proudly in the breeze, as you stand and remove your hats, and place your hands over your hearts urge those around you that will tend to remain seated to stand also and show the Flag the proper respect. Teach your children and grandchildren why we respect the Flag, and how to show proper respect to the Flag.

Even in these days when Foreign Investors are buying our Country right out from under us, we have one thing no Country on the face of this earth will ever be able to buy or take from us, and that's "Our Flag."

(By Bill E. Williams, Chaplain, D.A.V., Department of Nebraska)

Written in memory of and honour of my older brother: Donald E. Williams, Jr., FN, U.S. Navy-Vietnam (January 28, 1950 to February 14, 1984) because he loved the American Flag!

THE SALE OF A NUCLEAR REACTOR TO PAKISTAN

Mr. EXON. Mr. President, a little over a week ago, a commercial agreement took place between nations which represents a backward step in controlling the proliferation of nuclear technology. I am referring to the decision by the Government of France to sell a nuclear reactor to Pakistan.

With the United States and the Soviet Union working toward a superpower accord to significantly reduce the burgeoning nuclear arsenals each possesses, the news of the French-Pakistani sale underscores the importance of restricting the spread of nuclear weapons more than ever. More destabilizing than the construction of a new Trident submarine or a new Soviet ICBM, I would argue, is another Third World nation obtaining the technology necessary to join the most exclusive of clubs—those nations capable of unleashing the horrors of nuclear war.

France and Pakistan are both strong allies to the United States. Still, the French decision flies in the face of an international approach to controlling the spread of such technology—control which is slowly and dangerously eroding. It should be stated for the record that the reactor that is to be sold to Pakistan is dedicated to peaceful purposes. Furthermore, the facility will be subject to international inspection so as to ensure that the fuel is not being used for military purposes. On initial review, such a sale might seem unobjectionable. Yet, the reactor agreement between France and Pakistan is unsound for three reasons.

First, the French reactor sale will increase the number of Pakistan engineers and technicians trained in nuclear technology, thereby furthering its capability to build a nuclear bomb. Second, France has established a precedent by becoming the first Western nation in many years to sell such sensitive technology to a country where adherence to international inspection of all of its nuclear facilities is in question. Third, and most important, nuclear competition between India and Pakistan coupled with the present bloodshed in Jammu and Kashmir makes the reactor sale destabilizing and all the more irresponsible.

In 1988, the Soviet Union sold two reactors to India which does not adhere to the open, full-inspection international guideline. To counter this sale, the People's Republic of China announced that it would sell a reactor to Pakistan. The French sale escalates this nuclear race one step further. The volatility of the border dispute between India and Pakistan in Kashmir shows little sign of diminishing. To the contrary, the conflict has resulted in scores of fatalities and gives every indication that it might be fanned by the respective sides into a regional war.

Mr. President, much attention is being given to negotiations between the United States and the Soviet Union to reduce nuclear weapons. As important as these talks and subsequent treaties are, we must not forget that such gains can be quickly negated by further proliferation of nuclear technology. As we proceed down the road to a world where the threat of nuclear weapons is scaled back, the French decision represents a step backward.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

I advise all Senators we are in morning business until 10 o'clock with a 5-minute limit on remarks by Senators.

The Senator from Montana is recognized.

Mr. BURNS. Thank you very much, Mr. President.

(The remarks by Mr. BURNS pertaining to the introduction of S. 2235 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURNS. Mr. President, I thank you for your time and I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent to proceed for 5 minutes as if in morning business.

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

The Senator from Kentucky is recognized.

Mr. McCONNELL. I thank the Chair.

(The remarks of Mr. McCONNELL pertaining to the introduction of S. 2236 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER (Mr. FOWLER). The Senator from Minnesota is recognized.

THE 1990 INTERNATIONAL TRANS-ANTARCTICA EXPEDITION

Mr. DURENBERGER. Mr. President, I do not know where you were at 7 o'clock on Saturday evening. I have a general idea where I was. But at 7:06 eastern standard time, last Saturday evening, the 1990 International Trans-Antarctica Expedition, the 6 men and the 40 dogs that we have been following for the last 210 days, completed the first nonmechanized traverse of Antarctica, traveling the west to east axis.

Honoring this important accomplishment yesterday, Senator BOSCHWITZ and I submitted Senate Resolution 258 to recognize and to congratulate the men for their accomplishment. I urge my colleagues to join us in honoring these six people who made up the 1990 International Trans-Antarctica Expedition for their accomplishment.

As those of you who have been following this expedition with us know, there are 4,000 miles of the toughest part of the world between a July 28 start at one end of the tip of Antarcti-

ca 4,000 miles across this incredible continent a little place called Mirnyy, which they reached on March 3, 1990.

This was accomplished by 6 human beings, not unlike us, but probably unlike us in a lot of very special respects, from 6 different countries of the world, and 40 polar husky dogs who have been both bred and trained for this experience over a long period of time. They traveled from the Antarctica Peninsula which we talked about in terms of its crevasses and its blinding storms and the danger of falling into 50-foot-deep crevasses, they traveled from the tip of Antarctica through this peninsula to the South Pole where we see pictures now in our media of members standing on their heads right at the South Pole. We actually get to see what the South Pole looks like for a change. Then across the Area of Inaccessibility, which is called the Area of Inaccessibility because no one travels that area, to a point at a Russian research station called Vostok which is about 10,000 feet in altitude, and then the last leg of their journey to the Russian station on the far coast.

Upon completing this trek on Saturday, the team was greeted by family and friends and journalists from all over the world, as well as messages of congratulations from President Bush and President Mitterrand of France.

Mr. President, I ask unanimous consent that President Bush's message to the team be printed in the RECORD at the end of my speech.

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

(See exhibit 1.)

Mr. DURENBERGER. Although the men are now safe, they had a severe scare last Friday night. And I remember when I read about it in the papers, I wondered if this was hype or this was the real thing. By 7:06 on Saturday night, I knew it was the real thing.

On Friday night, they were within 11 miles of their destination. They were in their tents but they were in the middle of a blinding blizzard which had winds as high as 70 miles an hour. As part of their routine at night, the men have to go out and check the dogs just to make sure that the dogs are safe. That is particuarly true in adverse weather. Keizo Funatsu, who is the member from Japan, went out to check his dogs and did not return. After 2 hours, his tent partner, Qin Dahe, who is from China, risking getting lost himself in the white-out conditions, was able to make his way to the tent that had the radio in it and he called Mirnyy, the Russian port station, for help. Mirnyy was only 11 miles away. The team in their tents and the people at Mirnyy joined up, tied themselves together, and then began sort of a sweep of the whole area to try to find Keizo.

Luckily, he was found in good health after a 14 hours' absence. After realizing he was disoriented, rather than stumbling around blindly risking falling into a crevasse, Keizo did the smart thing: He dug a hole in the snow and curled up to wait for help to arrive.

Despite this near tragedy, Keizo was able to finish the trek without assistance.

The expedition has caught the imagination of the world. Their arrival at Mirnyy was televised live in the Soviet Union, France, Japan, Italy, and Australia. In the United States, many Senators may have caught the live interviews with the team on "ABC Wide World of Sports" on Saturday.

Yesterday, the team left Mirnyy by ship from New Zealand. From there they will begin a world tour starting with a meeting with President Mitterrand. The team will return to the United States on March 26 when they come to Washington, DC, that evening, I am hosting a reception which I hope all my colleagues will attend to honor these six men. Earlier that day, they will be the guests of the National Press Club. They will meet President Bush the following day, March 26.

By accomplishing something that has never been done before, the men have lit the immagination of the world. They have shown light on a continent that is little understood and served as beacon of international cooperation. This is why Senator BOSCHWITZ and I have submitted Senate Resolution 258. I hope that my colleagues will join me in honoring these six men who have accomplished so much.

To conclude, I ask unanimous consent to have printed in the RECORD the summary of the trek, which is not too long, produced by the team's support crew, and with that, to express my appreciation to all who have, in one way or another, encouraged these people in this very important endeavor, which is probably, in many ways, just beginning.

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

TRANS-ANTARCTICA EXPEDITION MAKES HISTORY, COMPLETING SEVEN-MONTH DOGSLED JOURNEY DESPITE MAJOR OBSTACLES

ST. PAUL, MN, March 3, 1990.—At 6:06 a.m. CST, the 1990 International Trans-Antarctica Expedition completed the first unmechanised traverse of Antarctica, travelling the west-east axis. Logging nearly 4,000 miles in the harshest conditions on earth, the six men and 40 polar huskies travelled from the tip of the Antarctic Peninsula to the South Pole, across the Area of Inaccessibility to the coast of East Antarctica. The team skied into Mirnyy with Soviet Victor Boyarsky in the lead. Will Steger drove his sled in behind Victor, followed by Geoff Somers and his dogs, then Jean-Louis Etienne and Keizo Funatsu with the final team of huskies. Immediately upon crossing the "finish line", marked by a large banner made by the Soviet scientists working at Mirnyy, Steger and Etienne, co-leaders of the expedition, embraced and cried. Boyarsky was met by his wife Natasha, who had arrived moments before by Soviet plane which also ferried TV journalists from another point on the continent where they had been stranded for 24 hours. The team immediately celebrated with the entourage of Soviets with a Russian tradition of bread and salt and champagne. Jean-Louis Etienne commented, "It's a great relief to finish. It has been a very difficult seven months." As of this morning, congratulatory messages had been received for the team at the expedition's St. Paul office from President Bush and President Mitterand, in addition to the National Geographic Society, and Antarctic explorer Sir Vivian Fuchs, among others. In addition to meeting its goal to cross the continent on foot, without mechanised means, the team has also reached its goal to serve as a worldwide learning tool, bringing increased attention to the fragile, seventh continent and the successful Antarctic Treaty. Relying on satellite equipment provided by the Soviet Union, the expedition's finish was broadcast live today—an historic achievement in itself—into the Soviet Union, France, Japan, Italy and Australia. Interviews with the team members will be broadcast live from Mirnyy on ABC-TV's "Wide World of Sports" today. Just 16 miles from its final destination, the team was held up by a winter storm with winds blowing to 73 mph. Yesterday, Keizo Funatsu disappeared in the "white-out" conditions resulting from the high winds. After not being seen for two hours, the team formed a search party, roping themselves together, and searched for Funatsu until darkness. The search resumed in the morning and Funatsu was eventually found, 14 hours after he disappeared. Funatsu explained that just a few feet from his tent, he became disoriented by the lack of visibility and resorted to digging a hole in the snow to survive. He was found yelling, "I'm alive." "We ran up to him, like the Twins picture at the World Series, crying, and carried him back," Steger explained. Funatsu had no frostbite and was able to finish the trip on skis. The team is comprised of three teams of specially-bred sled dogs and six men representing six countries: Will Steger of the U.S., Jean-Louis Etienne of France, Victor Boyarksy of the USSR, Geoff Somers of Great Britain, Keizo Funatsu of Japan and Qin Dahe of the People's Republic of China. The expedition began on July 27, 1989 at Seal Nunataks on the Antarctic Peninsula in the middle of the austral winter. While travelling along the mountainous peninsula, never-before traversed in winter, the team experienced a 60-day storm with winds blowing to 100 mph and temperatures dropping to −45F. When not tentbound by these severe conditions, the team made slow progress through the deep snow, often travelling on hands and knees. Crevasses, giant fissures left as the glacial ice flows from the high Antarctic Plateau to sea level, threatened the lives of men and dogs for the first three months of the journey. Time and again, the team relied on their combined years of mountaineering experience to provide rescue from the crevasses using climbing techniques. Throughout this leg of the journey, the team was virtually without air support or emergency rescue. High sunspot activity prohibited radio contact with a base camp and support planes were grounded by

both mechanical failures and bad weather. Steger explained the frustration at this time: "There were some pretty black moments for me when I could see the desparation of other explorers like (Antarctic explorer Robert Falcon) Scott, hopelessly dying. But I always hung onto that spark, that little flicker of hope in the black and that's what I zeroed on." (Scott and his team perished 11 miles from a food cache when returning from the South Pole in 1912.) Unusually heavy snowfall buried three of the team's food caches, placed every 150-400 miles apart, requiring the team at one point to feed the dogs man food. Weakened by the severe conditions, Will Steger's veteran dog Tim died unexpectedly on October 20th. "Tim was one of my favorite dogs. He had a special character," Steger wrote in his journal. "When we realized Tim was suffering, we tried to get a plane in to take Tim off the ice, but the plane was grounded by weather and never reached us." One of the oldest huskies on the trip, Tim was the only dog the team lost during the expedition. In November, as the team climbed on top the Antarctic Plateau, the team increased its mileage from an average of eight miles per day to 25 miles per day, making up for nearly one month of lost time. Despite the team's steady pace, however, a near crisis was averted on December 4th when the Soviet Union offered to supply the expedition with 12 tons of fuel from an existing deposit at the South Pole. This would be used by the expedition's logis-tical support company, Adventure Network, which had not been able to deposit fuel and food supplies nor provide sufficient fuel for emergency rescue due to mechanical problems and weather delays. On December 11, the expedition reached the South Pole, becoming the first to do so by dogsled since the pole was discovered by Norwegian Roald Amundsen in 1912. Two of Steger's polar huskies, Sam and Yeager, became the first to travel to both poles. Both dogs helped Steger complete his historic expedition to the North Pole in 1986. From the South Pole, the team sledded out into the Area of Inaccessibility, a 750-mile stretch named for its remoteness and unilateral distance from all coasts of the continent. Upon reaching the Soviet Vostok station, on January 18, after 11 weeks without radio contact with its crew, the team added another first to its accomplishments by completing the first on-foot crossing of the Area of Inaccessibility. Vostok, situated at 11,000 feet, holds the world's record low temperature at −129F. From Vostok, the team began its last leg of the journey, travelling 850 miles to its final destination, Mirnyy, a Soviet base on the coast of East Antarctica. For 41 days the team raced with winter, enduring temperatures of −54F and windchills of −113F, relying heavily on the outstanding strength and endurance of the dogs. "The dogs are the true heroes of the expedition," Steger says. "They are incredible. They have provided us with an indomitable spirit." Most of the dogs gained weight during the expedition, eating 5,700 calories in a specially-formulated high energy diet. Despite the strength of the dogs, however, many suffered abrasion to their paws during this final portion of the journey from the hard-packed ice surface. Through support from individuals around the world, classroom materials to follow the journey were produced and distributed in the U.S., France, Great Britain, Japan, the Soviet Union, Denmark and Australia. From Antarctica, British team member Geoff Somers relected on the commitment of educators and children: "The expedition belongs to the hundreds of people who have helped us and thousands more who have involved themselves by following it. For them the expedition is like watching a live movie, as it happens, like watching the first moon landing." Audio-visual materials, wall maps, study guides and articles in educational publications have helped teachers to use the expedition as an interdisciplinary theme. While following the excitement of the journey, people around the globe have learned about the successful Antarctic Treaty, the continent's history, its wildlife and the important scientific research being conducted at the bottom of the world. The international composition of the expedition purposefully reflects the Antarctic Treaty, signed in 1961, which sets aside Antarctica as an international scientific laboratory. Thirty-nine countries abide by the 30-year treaty, which is expected to continue after 1991. From Mirnyy, the team will be transported by Soviet icebreaker to Wellington, New Zealand. They will then travel to Paris, London and Minneapolis/St. Paul for welcome home ceremonies. On March 24th, the team will be honored at a public celebration in St. Paul, on the steps of the State Capitol at 12:00 noon. On March 25, ABC-TV will air a one-and-a-half-hour documentary on the expedition including live interviews with the team, from 3:30-5:00 p.m. CST. On March 26th, Will Steger will make a presentation at the National Press Club luncheon in Washington, DC. This will be followed by a Senate reception hosted by Minnesota Senator Dave Durenberger and will make a White House visit on March 27th. In May, the team will travel to Osaka, Japan for a 3-day festival hosted by the city, followed by a visit to Beijing at the request of the government of the People's Republic of China. In late May, they will visit the Soviet Union and Great Britain. The expedition was made possible through financial support from numerous corporations based in France and the U.S. and extensive logistical support from the Soviet Union. The major U.S. sponsors include: W.L. Gore & Associates, makers of "Gore-Tex" fabric; DuPont Fiberfill, makers of "Quallofil, "Thermoloft," and "Thermolite" insulations; Hill's Pet products, makers of Science Diet pet foods; Target Stores, based in Minneapolis; and The North Face, a leading rugged outerwear manufacturer.

CHRONOLOGY OF EVENTS DURING TRANS-ANTARCTICA EXPEDITION

July 27, 1989: Expedition begins at Seal Nunataks on the Antarctic Peninsula.

August 9: Two sleds crash into Sastrugi at the bottom of a steep slope and break apart, severely disabling the expedition. Team takes the next two days off to assess the damage and is able to improvise a solution, cutting off the 9′ of damaged runners from each sled with a Swiss Army Knife, leaving two 5-ft. sleds, in addition to the third whole sled.

August 11: First experience with crevasses when surface gives way under Victor Boyarsky; he is able to rescue himself with outstretched arms and climb to safety.

August 21: After a long search, the food cache at Three Slice peninsula cannot be found; team moves on, relying on emergency of three caches (placed every 150-400 miles) that would never be found by the team due to unseasonably heavy snow fall.

Spinner falls into a crevasse and out of his harness, but lands on a ledge 20 feet down; below him the hole dropped into "black nothingness." Rescue procedure is established using climbing ropes.

August 25: Numerous dogs fall into crevasses and are rescued throughout the day as the team climbs up Wilson Pass towards the Wyerhaeuser Glacier.

August 26: Buffy falls into a crevasses and is rescued by Steger and Boyarsky.

September 1: Severe storms begin, lasting for the next 60 days. Winds blow to 100 mph and temperatures drop to −45F; windchills of −110. Team remains tentbound for 17 days over the 60-day period. During the raging wind storms, tent partners often cannot hear one another talk inside the tent. Walking from tent-to-tent is nearly impossible; any movement outside the tent can be life-threatening because of hidden crevasses and the risk of getting lost in the white-out conditions. Dahe and Victor tell of fellow Antarctic scientists who lost their lives several feet from their base buildings because of white-outs.

September 13: Team resumes travel, after two tentbound days, to progress towards food cache despite any break in the high winds. Progress is often made with eyes closed, using the feel of the wind as a guide or crawling on hands and knees to follow barely-distinguishable trail of advance team. Team must take cautions to stay as close together as possible not to get sparated from critical supplies packed among three sleds. Because the two shortened sleds can no longer carry full loads, one sled is no longer a self-supporting unit.

September 30: Fifteen dogs are airlifted from the team to Chile. The team has become increasingly concerned for the health of the dogs in the deep snow and high winds. With the dogs, the team unloads 1,000 pounds of dogfood and begins to travel more quickly to make up for nearly one-month delay.

October 20: Steger's dog Tim dies. One of Steger's favorites, an older dog, Tim's strength was severely weakened by the harsh conditions. Although under close watch by the team, an unexpected, overnight storm takes Tim's life. Tim travelled with Steger to the North Pole in 1986.

November 8-10: Team meets with journalists at Patriot Hill's field camp. Ten of the 15 dogs that had been evacuated to Chile rejoin the team.

November 24: Journalists rescued from Patriot Hill's camp after an unexpected stay of 17 days due to mechanical difficulties with the support plane and weather delays.

December 4: Soviet Union agrees to provide Trans-Antarctica with 12 tons of fuel at South Pole, preventing the expedition from aborting its mission. The same mechanical difficulties and weather delays which stranded the journalists in Antarctica prevented Adventure Network, the expedition's charter company, to lay out fuel depots, to fly food caches beyond the South Pole and assure emergency rescue in the Area of Inaccessibility without the Soviet fuel.

December 11: Team arrives at South Pole (1992 miles into the expedition) after completing the first-ever winter traverse of the Penninsula. Team becomes the first to reach the South Pole by dogsled since Roald Amundsen discovered the Pole in 1912.

December 15: Team departs Pole, heading into Area of Inaccessibility, an area named for its unilateral distance from all coasts and until recently, inaccessible to aircraft. To enable emergency rescue if necessary during the crossing of this vast, featureless landscape, the team built "cairns," 6-foot

piles of ice blocks, every 40-minutes along the trail. These cairns would create a shadow to provide a marker to pilots trying to locate the team.

January 18: Team arrives Soviet Vostok station, completing first-ever on foot crossing of 750-mile Area of Inaccessibility. The area was crossed by Soviets using tractors in 1959. The team was received with a warm welcome from Soviet scientists stationed at the inland base, situated at nearly 11,000 feet. Vostok holds the world's record low temperature at −129°F.

January 23: Expedition record of 31 miles travelled in one day.

February 6: Coldest day of expedition, at −54°F.

February 15: Team experiences lowest windchills of expedition at −113°F.

February 26: Team sights first sign of wildlife since early September 1989: a skua, a common bird of the Antarctic coast.

March 2: Keizo Funatsu disappears in a blizzard with winds blowing to 73 mph and temperatures to −30°F. After a 14 hour search, he is found alive. To survive, he dug a hole in the snow and crawled in.

March 3: Team arrives Mirnyy, completing the first unmechanized traverse of the continent, across the west-east axis.

EXHIBIT 1

THE WHITE HOUSE,
Washington, February 28, 1990.

I am delighted to extend my greetings and heartiest congratulations to the members of the Trans-Antarctic International Expedition as you complete your historic trek.

During the past six months, you have braved deadly cold and 4,000 miles of perilous, icy land to conquer one of the last frontiers on earth. Your spirit of international friendship and cooperation not only helped make this fantastic journey possible but also set a wonderful example for the world community of nations. You have demonstrated how differences in language and culture can be overcome in the common pursuit of great and noble aspirations. I commend you for your outstanding achievement, and I salute you on a job well done.

Barbara and I send our best wishes for a restful and enjoyable trip home and for every future success and happiness. We look forward to meeting you on March 27th. Until then, God bless you.

GEORGE BUSH.

THE CALENDAR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Item No. 460, S. 2151; that the bill be deemed read the third time and passed, and that the motion to reconsider the passage of the bill be laid upon the table.

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

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,816th day that Terry Anderson has been held in captivity in Beirut.

I ask unanimous consent that a Washington Post article on the administration's view of recent reports regarding the hostage situation be reprinted at this point in the RECORD.

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

[From the Washington Post, Mar. 6, 1990]

UNITED STATES ACKNOWLEDGES OTHERS' EFFORTS ON HOSTAGES

(By Ann Devroy)

The Bush administration acknowledged yesterday that a variety of private individuals, foreign diplomats and others are trying to gain the release of U.S. hostages in Lebanon, but said none of the efforts has led to any indication that a hostage release is imminent.

White House spokesman Marlin Fitzwater, responding to what he said were a half-dozen recent reports about hostage-related developments, said, "there is a lot happening behind the scenes independent of the U.S. government.

Repeating the denial that any U.S. official is directly involved in talks, Fitzwater said intermediaries such as businessmen in the region, diplomats of other nations, families of hostages and their employers and officials with Lebanese and Iranian contacts all have worked on the hostage problem. Some of these people, he said, "have had contacts with the U.S. government" and "have told us what they are doing; they have asked us for advice."

But those efforts are not being made on behalf of the U.S. government nor are they directed by it, Fitzwater said. He said all intermediaries who contact the administration are told the Bush policy that hostages must be released without conditions. "No deals. If you can be helpful, fine, but keep in mind—this is our policy: no deals," Fitzwater said.

Eight Americans and 10 other Westerners are being held hostage in Lebanon. Most are believed held by Shiite Moslem factions loyal to Iran. Fitzwater repeated President Bush's inaugural call to Iran to release the hostages for the promise of U.S. "good will" to follow, and said the administration wants direct talks with Iran on the hostages.

Asked about movement on the issue, Fitzwater said, "We cannot say there is any movement. We know of no imminent release."

Speculation about possible release of the hostages, some of whom have been held for five years, has been fueled by reports in Middle Eastern publications and by indications from Iranian leaders of a new willingness to discuss release.

The latest report quotes Syrian sources that Mahmoud Hashemi, a senior Iranian official, met Sunday in Damascus with Syria's foreign minister to "coordinate efforts" between Iran and Syria on release of the hostages. Hashemi, brother of Iranian President Hashemi Rafsanjani, arrived in Damascus from Beirut, where he reportedly met with Shiite Moslem groups on the hostage issue.

State Department spokesman Margaret Tutwiler said the administration is "not aware of any . . . discussions that may be taking place n Syria on hostages." She reiterated Bush's denial over the weekend that he called French officials on the hostage issue, and Vice President Quayle's denial on Sunday that former secretary of state Cyrus R. Vance was officially negotiating hostage releases.

RETIREMENT OF LT. GEN. HERBERT E. TEMPLE, CHIEF, NATIONAL GUARD BUREAU

Mr. WARNER. Mr. President, Lt. Gen. Herbert R. Temple, Jr., Chief of the National Guard Bureau, retired after 42 years of military service on January 31, 1990. He left with the respect and appreciation of all who had the honor of serving with him.

General Temple was a visionary leader whose unwavering commitment to professional excellence helped mold and shape the contemporary National Guard into the widely respected, credible military force it is today. No doubt, the decade of the eighties has meant unprecedented challenges and change for the Nation's reserve component forces, specifically, the National Guard.

As the total force policy of the seventies became a reality in the eighties, for the first time in peacetime history the National Guard was relied upon as a first line defense resource. As Chief of the National Guard Bureau, General Temple was at the forefront of seeing the Guard through one of the most dynamic and turbulent periods in its 353 year history.

General Temple began his military career as a private in the 160th Infantry Regiment, 40th Infantry Division, California National Guard on June 2, 1947. He was called to active duty in September 1950 and served in Korea as a noncommissioned officer with Company B, 5th Regimental Combat Team, 24th Infantry Division.

His experiences in Korea, coupled with an unwavering desire to improve upon the National Guard's peacetime readiness, guided General Temple through a series of impressive assignments in the California Military Academy, military assistant to the Governor of California, deputy commander of the 49th Infantry Brigade (separate) and commander of the 3d Brigade, 40th Infantry Division (mechanized).

After attending the Army War College, he reported to the National Guard Bureau in Washington, DC, where he served in a series of assignments, each successfully building upon his ability to effectively lead and manage an institution experiencing rapid growth and change. General Temple's demonstrated leadership abilities eventually led him to the National Guard's highest rank of lieutenant general and chief of the National Guard Bureau.

As chief, General Temple vigorously pursued the goal of professional excellence for all National Guard members. He envisioned a National Guard fully compatible with its active component counterparts—a Guard which could meet and even exceed active Army and Air Force standards.

Stressing the three pillars of military professionalism—modernization, training, and education—General Temple set out to reshape the Guard institution by spearheading some of the most historic and ambitious initiatives in the history of the National Guard. As a direct result of improved resourcing, expanded training, and accelerated educational programs, today's National Guard enjoys unprecedented readiness as well as renewed credibility as a first line defense force.

One of General Temple's most vocal passions was his insistence on expanded overseas training for National Guard members. An ambitious overseas training deployment program conceived in the seventies came to fruition under General Temple's leadership. Taking Guard members to exciting and challenging training environments throughout Asia, Europe, and the Caribbean, as well as Central and South America, these were the very places where Guard members were most likely to be called upon to serve in the event of mobilization.

Here in the United States, Army and Air Guard members today train at some of the military's premier training sites, like the National Training Center at Fort Irwin, CA, and the Joint Readiness Training Center at Fort Chaffee, AR. The National Guard has also seen increased representation at some of the Nation's most prestigious senior service academies and academic institutions.

Throughout his career, General Temple strived to set a foundation for the Guard's long-term effectiveness as a full and reliable partner in national defense. He once likened the Guard's road to success to a quest—an ongoing journey that will continue over time. The Guard of the nineties will certainly proceed along this evolutionary path so that it may continue meeting our Nation's constantly changing defense needs. To best manage these changes, the future will call for leaders like Lieutenant General Temple—men and women with a quest, a vision, and the courage to follow their dreams.

We wish General Temple and his family a well-deserved long and happy retirement and a hearty "well done"—as we say in the Navy, General—for his dedicated and outstanding service to his country.

NORTHWEST INDIANA SYMPHONY ORCHESTRA CELEBRATES ITS JUBILEE

Mr. COATS. Mr. President, one of Indiana's foremost cultural organizations is celebrating its jubilee anniversary this month. On March 15 the Northwest Indiana Symphony Orchestra will kickoff its 50th season with a gala event, including a special concert followed by a dinner celebration.

The Northwest Indiana Symphony Orchestra was founded in 1941 as the Gary Civil Symphony. The ensemble's very first concert was presented on December 7, Pearl Harbor Day, under the baton of Arthur Zack. Until 1983, when the Star Plaza Theatre became the orchestra's permanent home, concerts were presented in various locations throughout Lake and Porter Counties, along with surrounding communities in Indiana and Illinois.

In addition to its regular season of classical and pops concert programs, the orchestra presents special concerts for area schoolchildren. The orchestra also brings good music to listeners in Gary, Crown Point, Hammond, Highland, Whiting, Dyer, and Munster.

Mr. Robert Vodnoy begins his 15th season as music director and conductor of the Northwest Indiana Symphony Orchestra. The 77-member orchestra, under Mr. Vodnoy's leadership, has won wide critical acclaim. For instance, in 1988, the NISO received a special award from the American Society of Composers, Authors, and Publishers [ASCAP] for adventuresome programming.

Maestro Vodnoy, a native of South Bend, attended Indiana University on a doctoral program in conducting. He also held a doctoral teaching assistantship in music theory and later a full university fellowship. He holds baccaleaurate and master degrees in composition.

As a guest conductor, Maestro Vodnoy has been active in the symphonic, operatic and ballet fields, in and out of Indiana, conducting orchestras in Chicago, Michigan, Wisconsin, Georgia, Mississippi, Venezuela, and elsewhere. He is the music director of the Southwest Michigan Symphony in Benton Harbor and St. Joseph, MI. Vodnoy is also the host and producer for "Backstage At the Symphony," a monthly television series, which in 1989 received a major grant from the Indiana Arts Commission. He has coproduced several musical TV programs for children. This fall the Voice of America will broadcast excerpts from recent performances of the Northwest Indiana Symphony Orchestra, under Maestro Vodnoy's baton.

The Northwest Indiana Symphony Society, the orchestra's parent organization, has a strong commitment to education. In addition to the annual Mary Elizabeth Hannah Children's Concerts, the society sponsors the Northwest Indiana Youth Orchestra, an ensemble designed to train area school musicians. Other educational programs supported by the society include the Edith Root Scholarship, presented annually by the Women's Association to outstanding graduates of the youth orchestra.

The society also sponsors the symphony chorus, under the direction of Joe Evan Burt, which appears each season with the orchestra in various classical and pops concerts.

The society, which employs an artistic staff and an administrative staff of four persons each, is governed by a board of directors drawn from the many communities in the region served by these programs. These dedicated volunteers provide overall direction to the society's activities and financial stability to its programs.

The Women's Association provides financial support through its many fund-raising projects, takes an active role in the society's educational programs and shares responsibility for the annual subscription campaign. It also sponsors a calendar of social events for its members.

On March 15, Maestro Vodnoy will lead the Northwest Indiana Symphony Orchestra in a special anniversary concert sponsored by Bank One of Merrillville. The orchestra will perform two major 20th-century works, Symphony No. 3 by French composer Albert Roussel and Carmina Burana, the great choral work—"Cantiones Profanae"—by German composer Carl Orff. Appearing with the orchestra of 90 musicians will be soprano Patrice Michaels Bedi, tenor William Watson, the 110 members of the Northwest Indiana Symphony Chorus, under Joe Evan Burt, and the Southlake Children's Choir, under Cynthia Bayt Bradford, director.

I am told that the total number of performers for this event will be the largest ever assembled on stage at the Star Plaza Theatre. It should be quite a musical evening. I am sorry that I shall have to miss it due to Senate business. However, I extend to the Northwestern Indiana Symphony Orchestra, Maestro Vodnoy, the musicians and singers, the Symphony Society and the friends and supporters of this great orchestra my sincerest congratulations for a successful 50th birthday. Best wishes for many more wonderful seasons of concerts.

At the close of its first half century the Northwestern Indiana Symphony Orchestra has demonstrated that it is more than what the Chicago Tribune called "the little orchestra that could." The NISO already has the appreciation of the people of Indiana and music lovers everywhere for bringing to hundreds of thousands of Hoosiers the joys of great music and hours of cultural fulfillment.

UNITED STATES SHOULD RESTORE DIPLOMATIC RELATIONS WITH COMMUNIST GOVERNMENTS

Mr. PELL. Mr. President, Mr. Strobe Talbott, the distinguished diplomatic correspondent for Time magazine, recently stated a convincing case for the United States to restore diplomatic re-

lations with countries throughout the world that we have shunned because they are Communist regimes tied to the Soviet Union. Mr. Talbott writes:

One way for the United States to signal a comprehensive approach (to these Marxist-Leninist regimes) would be to maintain full-fledged embassies in four far-flung corners of the Third World that have long been color-coded red on American maps: Afghanistan, Angola, Cuba and Vietnam. By snubbing those governments in various ways, Washington is doing more than just underscoring its disapproval of their leaders; it is also stubbornly reaffirming the implication that they are minions of Moscow.

There is much wisdom in Mr. Talbott's analysis. On February 28 our distinguished former collegue and former Secretary of State, Ed Muskie, appearing before the Foreign Relations Committee called for direct talks by United States officials with the Government of the State of Cambodia in Phnom Penh. In response to my question he also said the time had come to move to normalization of relations with Vietnam. He saw significant advantages for U.S. interests and policy in opening talks and diplomatic relations, not because we endorse or approve of the governments in those places, but as a way of engaging those governments in constructive dialog and exchange of information. For myself I find it difficult to understand how we expect to reach a peaceful solution in Cambodia—a ceasefire and a fair election—without talking to the government in Phnom Penh and restoring relations with Vietnam.

As Talbott, writes, our objection to various governments is no argument for a diplomatic boycott. "Quite the contrary," he writes, "the United States would have more clout with such miscreants if it dealt with them directly, through American ambassadors who could remonstrate with local officials and gather intelligence."

Talbott notes that the Communist world is changing fundamentally, but that there has been no systematic review by the administration of United States policy for dealing with the Communist regimes outside Europe. On the one hand, we have sent high-level envoys to China, despite the excesses of Tiananmen Square, and despite China's continued active support of the Khmer Rouge. On the other hand, we continue to try to isolate the regimes such as Afghanistan, Angola, Cuba, and Vietnam.

In a real sense we are isolating ourselves from these regimes. As a former foreign service officer, I have long called attention to the value of maintaining diplomatic relations even with our sharpest adversaries. It is precisely when relations are bad that it is most important to maintain embassies. When relations are good the business of foreign affairs can be conducted in many easy and informal ways, in addition to diplomatic relations. But when governments are hostile, that's when the channels provided by a working embassy with skilled diplomats are especially necessary.

I ask unanimous consent that the article by Strobe Talbott in the March 5, 1990, issue of Time magazine entitled "Influencing Moscow's Clones" be printed in the RECORD at this point.

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

INFLUENCING MOSCOW'S CLONES

The Bush Administration may be forgiven for reacting slowly to the phantasmagoria of 1989. No one saw the collapse of communism coming, and no one could be sure that it would continue, much less spread. The next stage, however, is more predictable: sooner or later what started in the Soviet Union will engulf Moscow's clones in the Third World. This time there will be no excuse for the U.S. to be caught flat-footed.

Yet the Bush Administration is not even thinking about the matter in a serious, coordinated way. Neither the National Security Council, which is the President's personal think tank, nor the State Department's Policy Planning Staff, which is supposed to look over the horizon of foreign policy, is engaged in a systematic review of U.S. strategy for dealing with Marxist-Leninist regimes outside Europe. Instead, the regional experts of the bureaucracy are nibbling away at their own pieces of what should be seen, and addressed, as a global challenge—and opportunity.

One way for the U.S. to signal a comprehensive approach would be to maintain full-fledged embassies in four far-flung corners of the Third World that have long been color-coded red on American maps: Afghanistan, Angola, Cuba and Viet Nam. By snubbing those governments in various ways, Washington is doing more than just underscoring its disapproval of their leaders; it is also stubbornly reaffirming the implication that they are minions of Moscow.

That bedrock contention of the cold war simply does not stand up these days. Insofar as the Kremlin still calls the tune, it is sounding retreat. In the past year the U.S.S.R. has removed its army from Afghanistan, prevailed on Viet Nam to withdraw its troops from Cambodia, and helped begin extricating the Cubans from Angola.

Some puppets, having had their strings loosened or even cut, can be expected, like Pinocchio, to misbehave as badly as ever. Fidel Castro, for example, is almost as much at odds with Moscow as he is with Washington. But that is no argument for a diplomatic boycott. Quite the contrary. The U.S. would have more clout with such miscreants if it dealt with them directly, through American ambassadors who could remonstrate with local officials and gather intelligence.

In other contexts, conservative American Presidents have argued that maintaining diplomatic relations need not constitute an endorsement of the powers that be or the political system of a country. The Reagan Administration justified its intensive diplomacy toward racist South Africa as "constructive engagement." Last year George Bush sent two high-level envoys to toast a Chinese leadership that had just slaughtered thousands of its citizens. The President explained that preserving U.S. leverage over future developments in that largest of Third World communist nations meant avoiding the temptation to "isolate" its government. Bush was proplerly criticized not for the principle he was enunciating but for the gratuitious, maladroit way he applied it. Simply keeping his ambassador in Beijing should have sufficed.

By the same token, Bush could send ambassadors extraordinary and plenipotentiary to Kabul, Luanda, Havana and Hanoi to engage the leaders there constructively rather than treating them like avatars of Moscowcentric world communism, a phenomenon that no longer exists. For the U.S. to stop withholding or hedging recognition of those regimes would be a big step toward recognizing how much the world is changing.

GENERAL KIELY STEPS DOWN

Mr. PELL. Mr. President, on Sunday afternoon, March 4, on the south lawn of the Rhode Island Statehouse, there was a public farewell review and change of command ceremony marking the retirement of Maj. Gen. John W. Kiely, adjutant general of the State of Rhode Island and commanding general of the Rhode Island National Guard.

General Kiely is an old friend and I have enjoyed working with him during his 6-year tour as adjutant general and his previous tour as assistant adjutant general. He has always been a vigorous and steadfast advocate for the National Guard and a thoughtful proponent of the role of the militia in the national defense.

General Kiely's distinguished military career spanned 47 years, beginning in World War II, when he was commissioned a second lieutenant and had the distinction of being the youngest officer in the 76th Division. After graduating from Providence College in 1950, he returned to service and held several commands in postwar Europe. He subsequently continued his education at the Army War College and at George Washington University where he was awarded a masters degree in political science in 1965. After serving in Vietnam, he held a number of responsible posts in the office of Comptroller of the Army before being confirmed by the Senate in 1977 as a brigadier general in the Army National Guard.

As adjutant general of Rhode Island, General Kiely has served with distinction under two Governors of different parties. In addition to the usual problems of funding and equipment allocations, he has had to cope with particular thorny issues like the question of military uniforms for civilian technicians and the larger issue of deployment of National Guard units in Central America.

General Kiely and I have maintained over the years a friendship and a good working relationship that I believe has yielded many positive benefits for the Rhode Island National Guard. Now he can step down with a

sense of a job well done. I salute him and wish him well in his retirement years ahead.

ESTONIAN LEGISLATURE PASSES DECLARATION CONCERNING INDEPENDENCE

Mr. PELL. Mr. President, the swift pace of change in Eastern Europe and the Soviet Union is truly remarkable. Although few could have anticipated the gains made by freedom and democracy over the past year, nearly all look to the coming year with great hopes of consolidating these gains.

The extent and depth of the changes we are witnessing are perhaps best exemplified by the strong drives for independence among the Baltic States. As a former desk officer for the Baltic countries at the Department of State, I hold a particular interest in developments there. The recent election in Lithuania serves as a poignant reminder of the traditional affinity for freedom among the Baltic people. As a longtime cosponsor of legislation to commemorate Baltic Freedom Day, I am proud to be among those in the United States who have supported the hopes and aspirations of the Baltics over the years.

Mr. President, my Rhode Island constituency has been very supportive of the drives toward freedom in the Baltics. Recently I received from Professor Eric Suuberg of Brown University in Providence, RI, a copy of the Estonian Legislature's declaration concerning independence. In view of the importance and timeliness of this document, I believe that my colleagues would find it of interest. Accordingly, I ask unanimous consent that it be printed in the RECORD at this point.

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

DECLARATION: ABOUT THE NATIONAL INDEPENDENCE OF ESTONIA

Today, February 2nd 1990, at the 70th Anniversary of the Tartu Peace Treaty between the Republic of Estonia and the Russian Federation that established peace after the Estonian War for Freedom, the General Assembly of all represenatives elected in Estonia held a meeting at the Tallinn City Hall and discussed the Estonian statehood.

The General Assembly stresses—that in 1940 Estonia lost its independence that had endured for 20 years and had been recognized by all states. This action was the result of a criminal deal between Stalin and Hitler, Molotov and Ribbentrop and was carried out as an international deception maneuver under the cover of the Red Army military force and after occupation of the country on June 17th, 1940, the same week that Paris fell to the armies of Hitler and the democratic world was in a state of despair.

The General Assembly states—that as an annexed state Estonia has for half a century been formally a Soviet republic, in fact a province, but has retained in the hearts of the people a quest for independent statehood. Both the country and the people have been subjected during this era to all the horrors of stalinism and its aftermath, to lawlessness and the reign of terror, and have had enormous losses of moral, cultural, political, economic and ecological nature.

The General Assembly declares—that democratic statehood, based on the continuity of the Republic of Estonia, has survived as the undisputed political aspiration of the Estonian nation. The experience of the last half-century has confirmed anew our conviction that only national independence can guarantee further existence and future development of the Estonian nation.

The General Assembly decides—that it is a sacred duty of ours as elected representatives of the people to fight for the aspirations of the Estonian people. Our fight must be based—before the world public opinion—upon the right for self-determination of nations under the international law and the documents, regulating its application, and—especially in relation to the Soviet Union—upon the undisputed validity of the Tartu Peace Treaty. According to the Tartu Peace Treaty the Leninist Government of the Soviet Russia acknowledged the right of Estonia for independent statehood and abdicated for all times all pretences against Estonian people, country and estate.

The General Assembly acknowledges—that the fight for Estonian independent statehood can only be peaceful, using only democratic means and in collaboration with all groups representing diverse ideas, if only the actions of these groups are not in conflict with democratic principles and norms of international law. While propagating the idea of Estonian independence we are cognizant of the support given to independent Estonia by hundreds of thousands of non-Estonians. In the state, whose re-establishment we are working for, all human and ethnic rights are going to be honored according to traditions of the Estonian Republic and of ethnic tolerance. The rights of ethnic and ideological minorities for their ideas and feelings must be protected under Estonian law.

The General Assembly addresses—the United Nations Organization, the participants of the Helsinki Conference of European Security and Cooperation, the Governments of all states and the world public opinion with a call to support and to enforce our legal rights, our undeniable right to regain our palce in the community of independent nations, taken from us by force, thus separating us from those with whom we have belonged for 70 years both spiritually and de jure. The decisions and agreements between superpowers must never again determine the fates of smaller states and nations.

The General Assembly asks—the Supreme Soviet of the Union of Soviet Socialist Republics to begin consultations with the legally elected representatives of the Estonian nation for the re-establishment of the independence of the Estonian Republic.

The General Assembly states—that in order to re-establish the Republic of Estonia, based upon the continuity of the Tartu Peace Treaty, the Estonian side begins through her representatives contacts and consultations with all parties, involved in the de facto re-establishment of the Republic of Estonia.

THE CONGRESS OF ESTONIA

Mr. PELL. Mr. President, the largest grassroots movement in Estonia, the Congress of Estonia, is scheduled to convene March 11 in Tallinn. All citizens of the Republic of Estonia, regardless of ethnicity, place of residence or political opinion, are eligible to register and vote for 499 delegates to the Congress, 35 of whom will represent Estonians in exile. Estonians in the United States will have 9 delegates to the Congress.

Over 670,000 people have already registered with the Estonian Citizens' Committee to participate in the election of delegates to the Congress, which has been endorsed by all significant political movements and parties in Estonia, including the local Soviet authorities.

The concept of the Congress of Estonia is founded upon the principle of the lawful continuity of the Republic of Estonia, the nation which declared its independence on February 24, 1918. Under the terms of the 1920 Peace Treaty of Tartu, the Soviet Union recognized the Republic of Estonia and renounced forever all rights over Estonia.

Despite this treaty, Estonia, along with Latvia and Lithuania, were forcibly incorporated into the Soviet Union following the signing of the Molotov-Ribbentrop Nonaggression Pact in 1939.

The United States, as well as many other nations in the world, have never recognized the forcible incorporation of the Baltic States into the Soviet Union. It is altogether fitting therefore that my fellow Senators join me in supporting the Congress of Estonia as the true expression of the will of the Estonia people.

THE CHANGING FACE OF EUROPE: A BREAKING APART AND A COMING TOGETHER

Mr. PELL. Mr. President, this past weekend Lithuanians elected a legislature dominated by non-Communists—a legislature that probably will press for independence from Moscow. At the same time, in East Germany, the Social Democrats offered a unification platform and urged East and West German legislators to form a joint parliamentary commission on unification. These legislative events capture the essence of two phenomena occurring on the European Continent: A simultaneous breaking apart and a coming together of nations.

Both phenomena are fueled, in large part, by nationalism—a word that at once invokes hopes and fears. In the February 9, 1990, issue of Commonweal, David R. Carlin, Jr., the majority leader of the Rhode Island State Senate, offered an interesting perspective on the seemingly incompatible moves toward unification and toward independence, and the role that nationalism plays in those processes. I believe that his words warrant the at-

tention of my colleagues as we witness the actions of our European counterparts. I ask unanimous consent that Mr. Carlin's article be printed in the RECORD at this point.

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

NATIONALISM'S SIREN CALL

(By David R. Carlin, Jr.)

Who would ever have imagined that the Soviet Union might be in danger of falling apart?

Well, Milovan Djilas, for one. Djilas, you remember, was Tito's friend and comrade-in-arms during the partisan struggle against the German occupation in World War II; in the postwar period he was vice-president of Communist Yugoslavia and one of the chief architects of Tito's successful revolt against Stalin in the late 1940's; he then became a critic of communism, even the Titoistic brand, and was rewarded for this insight with many years imprisonment, he was the author of, among other works, "Conversations with Stalin" and "The New Class," a critique of communism that caused a great sensation when it came out in the mid-1950s.

Years ago Djilas predicted that the centrifugal force of nationalism would eventually endanger the very existence of the Soviet Union. He made the same prediction for his own multinational Yugoslavia. I fear Djilas was correct. I don't see how Gorbachev can have glasnost along with the continued existence of the Soviet Union.

Gorbachev's hope, apparently, had been that a more liberal, more democratic Soviet Union would energize individuals, groups, and institutions so that they would become vastly more productive than they had been in recent decades. This increased productivity would eventually permit the Soviets to catch up with the Western nations, to become a fully modernized society. This is the lastest version of the dream of westernization that has fascinated Russian rulers since the time of Peter the Great, nearly three centuries ago. But every time the Russians make progress in this direction, the West, it turns out, makes further progress, and the goal of catching up remains almost as distant as ever.

It was not difficult to predict that once the conditions and instruments of liberal democracy were presented to the numerous non-Russian national groups in the Soviet Union, these groups would seize the gift, not in order to work harder in their farms, factories, and offices, but to assert national independence. Maybe they will work harder and more efficiently once they get independence. But nationalism is more attractive than hard work. When people are free to choose one or the other, they'll choose the former.

For at least 200 years, since the age of the French Revolution, nationalism has been an enormous force in the world, an intoxicating force. It has redrawn the map of the world time and time again; it created modern nation-states; during the nineteenth century it extended European dominion over much of the rest of the world; in the twentieth century, rebounding, it led the rest of the world to overthrow the same European dominion; it has presided over the industrialization of the earth; it has led to recognition of the rights of man and the citizen; it has also led to brutal totalitarianism. It has given us enormous prosperity; it has also given us World War I and World War II, not to mention the wars of the French Revolution and Napoleon, the bad angels that presided over its birth.

After two centuries of playing with this intoxicant, Western Europe shows signs at last of being able to handle it with moderation. Slowly, ever so slowly, the nations of Western Europe creep toward confederation. They have a popularly elected, though of course very weak, parliament the meets in Strasbourg; they have an economic union that will be significantly strengthened in 1992. Their long-term goal seems to be a nationalism in moderate doses: just enough to preserve a comfortable sense of pride and identity in Europe's constituent parts, but not so much as to disrupt the advantage of transnational order and cooperation.

But why can't Gorbachev do the same? If the Western European states can ascend from anarchy to confederation, why can't the Soviet Union descend from a unitary state to a confederation? Why can't the two process—increasing centralization in the West, increasing decentralization in the East—meet one another halfway? Why indeed, can't this double process eventually lead to a pan-European federation, embracing west, east, and center?

Something like this is what Gorbachev appears to have in mind. In his appeals for patience to the non-Russian nationalities, he promises that the Soviet Union will be transformed from what it has been, a de facto unitary state with a federal veneer, into a genuine confederation—though he is still short on specifics. And of course he speaks of "a common European house, from the Atlantic to the Urals."

But there is a crucial difference, I fear, between the nationalism of the West and that of the East. The Western Europeans have been free to have their fling with nationalism; they've sown their wild oats; they've come home drunk at three in the morning and been sick all the next day. You don't have to read them lectures on the dangers of excess; they know all about it; they've been there. Through pain they have learned wisdom. But the nations of the East, particularly the non-Russians of the USSR, are still young in nationalism; they haven't had their fling; they haven't been allowed to go out on the town and live riotously. Their more experienced brothers and sisters can tell them national independence isn't all it's cracked up to be. They can tell them that Gorbachev's offer of confederation, as opposed to outright independence, is generous and wise. They can tell them that when it comes to national independence, half a loaf is not only better than none at all—it's even better than a whole loaf.

Unfortunately, we grow too soon old and too late smart. It's not easy for young people to benefit from the wisdom their elders have gained in the college of hard knocks. The young want to have their own experience, commit their own follies, bang their own heads against the wall. The nationalism of Western Europe is now mature; it has grown ripe and mellow. The nationalism of the East, alas, is in its exuberant adolescene.

To date Gorbachev has been a great political miracle worker. If he can handle this problem, if he can hold the Soviet Union together within a federal framework while continuing to pursue his program of glasnost and perestroika, then he will be one of the great political miracle workers of all time.

A TRIBUTE TO MALCOLM FORBES

Mr. BRADLEY. Mr. President, with the death of Malcolm Forbes, we have lost one of the 20th century's great corporate leaders. I join my colleagues in paying tribute to a man who has left an indelible mark on our society.

Malcolm Forbes was an original. Editor, executive, philanthropist, collector, author, balloonist, motorcyclist—and even a politician. Incredibly, he pursued all of these interests with vigor and enthusiasm.

Malcolm Forbes was also a life-long New Jerseyan. Born in Englewood and educated at Princeton, Malcolm chose to live and raise his family in Far Hills. While his interests and concerns took him all over the world, he was also an active and involved member of his community and his state.

Malcolm Forbes was an unabashed capitalist. He believed fervently in our system, and used it to build a corporation and a magazine that make a real contribution to our business environment.

I join my colleagues in celebrating the life of Malcolm Forbes. He will be deeply missed.

A TRIBUTE TO MAYOR FRANK GRAVES

Mr. BRADLEY. Mr. President, with the death of Frank Graves, New Jersey has lost a great friend and a devoted public servant.

For over 25 years, Frank Graves has worked on behalf of the people of Passaic County. As Alderman and later as State senator, he worked to make New Jersey a safer and a better place to live.

But it was the people and the city of Paterson that benefited most directly from his years of service. Mayor Graves loved his city and spent every waking moment protecting it and advancing it. No problem was too small for his attention. Mayor Graves was a public servant who never passed the buck to someone else. He has left an indelible mark on his community, and his leadership will be greatly missed.

With the passing of Mayor Graves, we have lost a public servant whose dedication, hard work, and unbending pride in Paterson and in New Jersey has made our State a better place to live. I join his wife Ethel and his daughters in mourning his loss. He will be deeply missed.

JANUARY 1990 TRIP TO IRAQ AND MEETING WITH PRESIDENT SADDAM HUSSEIN

Mr. SPECTER. Mr. President, on Tuesday, January 23, the day that the U.S. Senate reconvened for the 2d session of the 101st Congress, I reported briefly on my recent trip abroad in-

cluding visits to several nations in the volatile Mideast. On February 7, I made a floor statement presenting an overview with some additional detail on that trip. In this statement, I shall focus on one of those nations because of its special importance to Mideast security and the desirability of developing a closer relationship with the United States. I am referring to Iraq, which I visited on January 12 and 13, 1990. Today I am also making a statement as to my visit to Syria, which I visited on January 14 and 15, immediately following my visit to Iraq.

While Iraq has been an important nation historically, it has a special role in the world today as it has emerged from the Iraq-Iran war as a major regional power. With the well-known problems in the U.S.S.R. concerning the Soviet economy and political restructuring, nations like Iraq are looking more toward the United States. This presents an opportunity for us to suggest policies on human rights and to urge them to play a more constructive role in the Mideast peace process. Our visit last month, which supplemented an earlier trip in January 1989, provided an opportunity to meet with President Saddam Hussein and gain important insights on ways to strengthen United States-Iraq relations and draw that nation closer to our values and interests.

Up until the present time, Iraq has been a relatively closed society with few foreign publications. In general, unofficial contacts with foreigners seem to be discouraged. Iraqi use of poison gas against rebellious Kurds in 1987 and 1988 aroused world public opinion, as have allegations of human rights abuses.

For many years, the United States had no diplomatic relations with Iraq. It was not until November 1984 that the United States and Iraq restored full diplomatic relations. During the past 8 years of the Iran-Iraq War, very few congressional delegations visited Baghdad, and only one other congressional Member, Representative STEPHEN SOLARZ, to my knowledge, met with President Saddam Hussein in 1982 and 1987.

My distinguished colleague, Senator RICHARD SHELBY of Alabama, and I met with President Saddam Hussein in Baghdad on Saturday, January 13. President Hussein is an imposing figure who exudes strength and confidence, which would be expected from a leader whose nation has recently emerged with the upperhand from a bloody 8-year war. While President Saddam Hussein has been the subject of critical comment, he occupies a position of real power and has the potential to play a constructive role if properly motivated. Our discussions were cordial and candid, focusing on issues of regional security and United States-Iraq bilateral relations. When I suggested his participation in regional security and peace talks with Israel, President Hussein responded that he needed first to concentrate on peace between Iraq and Iran, but he did not rule out Iraqi participation in a regional conference.

President Hussein expressed concern and annoyance about the United States limiting the number of Soviet Jewish immigrants in order to force them to go to Israel. He appeared to be unaware that this limitation was a part of overall U.S. restrictions on immigrants from all nations. I discussed with him in some detail U.S. immigration practices including the necessity for a floor amendment in the Senate last year to secure even the admission of 30,000 technicians, scientists and other highly skilled immigrants into the United States. I also pointed out to President Saddam Hussein that, in fact, the number of Soviet Jews eligible for admission to the United States had been increased, and I commented on my own special interest in increasing such immigration because my parents were Jewish immigrants from Russia and Russo-Poland.

In the recent past, it appeared to be the position of Iraqi officials that the United States needed to prove that it wanted good relations, with Iraq. During my visit to Baghdad 1 year ago, I encountered hard liners, with only a few emerging younger officials esposuing diplomatic solutions. While the United States and Iraq had common interests in opposing Iran's belligerency and terrorism, Iraqi officials appeared to remain angered by certain United States actions which appeared to tilt in favor of Iran. The Iran-Contra affair did little to assuage that Iraqi perception.

On my return to Baghdad in January, I found a more open and friendlier response. It may be that the intervening year provided Iraqi officials with an opportunity to focus on relations with other countries once the Iraq-Iran War had ended. It may be that the changes in the Soviet Union and Eastern Europe caused Iraq to focus on the United States as a nation which could provide more assistance, or at least beneficial reciprocal arrangements, for the future.

While I have already noted some of the factors which have discouraged closer relations between Iraq and the United States, there have been other actions by Iraqi officials which should promote closer relations between the two countries. President Saddam Hussein deserves credit for backing Egypt's return to the Arab League, for supporting the Palestine Liberation Organization's statements toward recognition to Israel, and for denying the Abu Nidal organization continued basing rights in Iraq. We should note that Iraq has been removed from the United States terrorism list. Iraqi officials also moved to resolve the question of compensation for the victims of the U.S.S *Stark*, mistakenly hit by an Iraqi missile.

In our recent meetings with Iraqi officials, we found a strong interest in improving relations with the United States. First Deputy Prime Minister Ramadan stated that "Iraq is ready to build good relations with the United States in all fields and without hesitation," and Foreign Minister Aziz reiterated that he would like the "best possible relations." At a dinner hosted by First Deputy Foreign Minister Hamdoon, former Ambassador to the United States, Mr. Hamdoon was outspoken in his interest in improving United States-Iraqi relations. The message from President Saddam Hussein was even more forceful. During our 1½-hour meeting he looked us straight in the eye and said that he looked forward to seeing relations with the United States "always in progress, always on the upswing."

Part of the answer for this apparent change in position may rest in the cost, devastation, and lessons learned from Iraq's war with Iran. Iraq is deeply in debt, and while it has vast oil reserves to generate hard currency, the road to recovery will be hard. Iraq has acted constructively by its immediate acceptance of U.N. Resolution 598 calling for a cease-fire and negotiated settlement with Iran. It also has agreed to a Soviet effort to mediate a settlement. We were informed that on January 5, 1990, President Hussein called for a gradual exchange of POW's and for an opening of borders for visits to Iraqi and Iranian religious centers. Iran has rejected these proposals outright. It is apparent that the Iraqis are expressing a strong preference for diplomatic rather than military solutions.

Another part of the answer may have been provided by President Saddam Hussein himself. He stated that only with stability and peace can Iraq and Iran build as nations, only with peace can they ensure a higher standard of living for their people. And with an increased standard of living there will be less of a taste for conflict. To emphasize the need for development, President Hussein noted that there is still a significant number of Iraqi farmers who do not have proper bathrooms and toilets, not because they cannot afford them, but because they do not see the need for them.

There are a number of difficult, unresolved issues which stand in the way of better relations, not only between the United States and Iraq, but also between Iraq and its Mideast neighbors. First and foremost is the need for a settlement in the conflict between Iraq and Iran; second is the broader issue of regional instability

caused by adversarial relations among Iraq, Israel, Syria, Iran, and Lebanon. There is a history of misunderstanding and mistrust which only time and focused diplomacy can hope to resolve.

Some of the problem may be based on misperception. In my view, it is time to end the isolation which engenders distrust. The Iran-Iraq war and excessive attention to the Israeli-Palestinian situation has kept President Saddam Hussein and other Mideast leaders from addressing broader issues of regional security and peace. I believe that if Iraq, along with Syria, Jordan, and Saudi Arabia, could be persuaded to join Egypt in negotiations with Israel to discuss regional security and peace, the issues of the Palestinians and the intifada would more likely fall into place. There are no easy answers, but there will be no answers unless and until all parties commence a dialog.

The United States can help. I urge my colleagues to travel to the area and to visit with the leaders and officials of each of these nations, especially Iraq. Encourage them, correct their misperceptions, nurture mutual trust through face-to-face meetings, even without agendas, especially without agendas at first. Officials in each of the nations we visited in the Mideast were intensely interested in what we had learned from our visits to their neighbors, particularly the attitudes and perceptions of national leaders toward their neighbors. It was all too apparent there is no dialog, no personal atmosphere in which to develop the trust and respect that is essential for negotiations on critical issues as arms control and confidence building measures to promote regional stability.

Members of Congress and others can serve as very useful conduits in discussing with men like President Saddam Hussein what other men like President Asad and Prime Minister Shamir are saying. President Saddam Hussein does not maintain diplomatic relations with President Asad or Prime Minister Shamir so it may be something new for one of these men to hear what some of the others are saying on a given subject. Until those direct contacts are established, people from the United States, like Members of the U.S. Congress, can serve as useful informal transmitters of information, and we may have an ability over the course of time to persuade these parties to undertake direct contacts.

To pursue some of the issues from our January trip to Iraq, Senator SHELBY and I met with Iraq's Ambassador to the United States, Dr. Muhammad Al-Mashat, on February 22. We were pleased with his willingness to discuss reports on human rights abuses and use of chemical warfare by Iraq. He understood our deep concern on such matters and was prepared to meet those issues directly.

It is clear that we need to encourage more Iraqi officials to visit the United States. The Deputy Speaker and 12 Members of the Iraqi Parliament are scheduled to visit the United States soon. They wish to meet with Members of Congress and I urge my colleagues to find room on their busy schedules.

Shortly after my return, I briefed the President, Chief of Staff John Sununu, National Security Adviser Brent Scowcroft, and others at the White House on January 25. I commented that Foreign Minister Aziz had raised the possibility of some high-level Iraqi executive branch officials visiting the United States later this year.

If the United States developed closer bilateral relations, Iraq might listen more closely to United States interests in the region. While certain issues on human rights and the use of chemical warfare must be resolved in advance, it is not too early to consider an invitation for President Saddam Hussein to visit the United States. I raised this possibility in my January 25 meeting with President Bush. Such a meeting and closer bilateral relations could promote the interests of human rights and the Mideast peace process.

JANUARY 1990 TRIP TO SYRIA AND MEETING WITH PRESIDENT HAFIZ AL-ASAD

Mr. SPECTER. Mr. President, on Tuesday, January 23, the day that the U.S. Senate reconvened for the 2d session of the 101st Congress, I reported briefly on my recent trip abroad including visits to several nations in the volatile Mideast. On February 7, I made a floor statement presenting an overview with additional detail on that trip. In this statement, I shall focus on one of those nations because of its special importance to Mideast security and the desirability of developing a closer relationship with the United States. I am referring to Syria which I visited on January 14 and 15, 1989. Today I am also making a statement as to my visit to Iraq which I visited on Janury 12 and 13, immediately preceding my visit to Syria.

This visit to Syria was my fourth trip since 1984. In 1984, my visit to Syria, like United States relations generally with Syria, was cool. When I returned to Syria in January 1988, I had a cordial discussion with Foreign Minister Farouk al-Shara and then I had a lengthy meeting with President Hafiz al-Asad. On my next visit in January 1989, I again visited with President Asad and Vice President Abd al-Halim Khaddam, and this January I again met with Syria's President and Foreign Minister.

These three meetings with President Asad, totaling more than 10 hours, and my meetings with other Syrian officials produced for me substantial insight into Syria's key role in Mideast affairs and President Asad's approach to a variety of problems. In conjunction with substantial reading of President Asad's biographies and other materials, I believe that I have some sense on his approach to the current issues and some ideas on ways to approach matters of mutual concern.

For example, over the course of my four visits to Syria, I have found an increasing Syrian interest in a more extensive bilateral relationship with the United States. It was reported that President Asad met with President Gorbachev in Moscow in 1987 at which time President Gorbachev emphasized his interest in cooling the Mideast as a hot spot and limiting U.S.S.R. aid to Syria. In late 1989, the Soviet Ambassador to Syria, Mr. Alexander Zotov, made a public statement to the effect that the U.S.S.R. would not supply Syria with military parity with Israel. These events, in combination with retrenchment in the Soviet Union due to economic and political problems, may have caused nations like Syria to look more to the West and to the United States.

While almost imperceptible, I believe there has been some shift in President Asad's attitude toward Israel. In our earlier meetings, he talked at length about Israel's intent to control land from the Nile to the Euphrates. President Asad said that it was not only a biblical and historical position, but was also evidenced by modern statements by Golda Meier, Moshe Dayan, and Yitzhak Shamir. In reply, I ventured the opinion that Israel had no such intent since the State of Israel had difficulty even controlling the territory from the Mediterranean to the Jordan. I discussed the question with Prime Minister Shamir, heard his assurances to the contrary and then wrote to President Asad about the Prime Minister's denial of any such Israeli intent.

As I have come to know President Asad better, I have felt comfortable in pressing just a bit on certain issues. In our January 1989 meeting, I asked on three separate occasions, separated by respectable periods of time, what it would take for Syria and Israel to become friends. President Asad answered, after the third query, that it was not a question of friendship, but that "normalizing" a relationship between Syria and Israel might be possible under certain circumstances.

In my recent visit, President Asad stated a significant change in position when he advised that Syria would be willing to attend an international conference convened only by the United States and the U.S.S.R. When United

States Ambassador to Syria, Ed Derejian, and I talked in advance of meeting with President Asad, Ambassador Derejian advised me of that recent change in Syria's position.

I believe that change is highly significant because President Asad had previously taken the position that Syria would attend an international conference only if it was convened by the five permanent members of the United Nations, the United States, the Soviet Union, Britain, France, and China. Israel had consistently rejected that structure because it would pit four of the superpowers against Israel with the prospect that only the United States would be likely to support Israel's position.

When I informed Prime Minister Shamir of President Asad's change in position a few days later, the Prime Minister was surprised and he appeared pleased to hear the news.

Such a format in negotiations marks a very different approach than President Asad described when he categorically rejected joining with President Sadat of Egypt on his discussions with Prime Minister Begin. When President Asad discussed the meetings between President Sadat and Prime Minister Begin, he emphasized the inappropriateness of any Arab nation negotiation or making any concessions for the Arabs in what might constitute a concession of even an inch of ground or a grain of sand. Such shifts suggest President Asad's interest in participating in the Mideast peace process.

There are significant indications that President Asad is interested in altering Syria's reputation on terrorism. There is evidence that Syria played a key role in pressuring Nabih Barri, leader of the Amal, to bring about the safe, early, and unconditional release of the TWA 847 hostages. At President Asad's directive, the Abu Nidal organization was expelled from Syria. In addition, it appeared that Syria assisted in the freeing of ABC correspondent Charles Glass in August 1987.

At our January 1989 meeting, we discussed the sabotage against Pan Am 103 which had occurred in late December 1988. In that meeting, attended by Ambassador Ed Derejian, President Asad said for the first time that action would be taken against Ahmad Jibril and his PFLP-GC if adequate evidence was presented on complicity in the Pan Am 103 incident.

Our Ambassador Ed Derejian recently presented a demarche to the Syrian Government regarding PFLP-GC involvement in the attacks on United States military troop trains in Germany. The German incidents and Pan Am 103 were subjects of our conversations last month. Syria has rejected the data provided on the German incidents, and it is now up to the United States to decide on the next step on the presentation of evidence on Pan Am 103.

Syria has been helpful on the release of hostages in the past and, I believe is making additional efforts to be of further assistance. In all my meetings with President Asad, I urged renewed efforts by Syria to secure the release of United States hostages. In the most recent meeting, we discussed at length Mr. Joseph Cicippio, a Pennsylvania resident, who was targeted for assassination last July. Both President Asad and Foreign Minister Shara expressed an interest in helping obtain the release of Mr. Cicippio and other hostages.

In each of my meetings with President Asad, I discussed a variety of issues relating to Syrian Jews. I urged that Jews should be allowed to emigrate from Syria and that special consideration be given to divided families and Jewish women who could not marry in Syria because of the shortage of Jewish men. United States diplomatic efforts have produced positive results and more efforts should be undertaken on behalf of Syrian Jews.

Regarding the Lebanon situation, President Asad recounted the significant steps that have been taken and the need for further action. He cited the Taif agreement but also the setback brought on by the assassination of President Rene Mu'Awwad. He felt that there is now a legitimate government in place for exercising its duties, but it is facing a serious problem—an officer who remains in place monopolizing control over a large part of the Lebanese Armed Forces. President Asad expressed concern that the means the U.S. advocates to resolve the problems are neither clear nor effective.

He suggested that if the Lebanese Government decides to take decisive action against Aoun and wants Syrian assistance, Syria would be duty-bound to assist. He stated that the Lebanese Government and the Lebanese President have a right to seek Syrian assistance. He cited 1958 as the year in which the Government of Lebanon requested the United States to send in the marines. Responding to this request, the U.S. Government did just that. He further noted that the United States was not a neighbor or fraternal state and was far away geographically from Lebanon while Syria and Lebanon share one history, one language, and are neighbors. Therefore, he maintains Syrian forces are present in Lebanon legitimately. He also pointed out that the Taif accords, which were agreed to unanimously by all the Lebanese deputies, call on Syria to assist the new legitimate authority in Lebanon to impose its authority in all of Lebanon. That accord was ratified by all the Lebanese deputies in Taif.

In the past decade, United States relations with Syria have been—at best—uneven. Syria's adamant rejection of the Camp David accords and the United States view of its support for international terrorism led the Congress in 1983 to prohibit any new assistance. In November 1986, we withdrew our Ambassador to Syria and imposed a comprehensive set of sanctions.

In September 1987, we returned Ambassador Eagleton partially in response to Syria's positive actions against terrorism on expelling the Abu Nidal organization from Syria, and assisting in freeing of ABC correspondent Charles Glass in August 1987. In addition, since 1987, the United States Government has been working with the Syrian Government to establish a structure for national reconciliation and reform in Lebanon.

Syria is obviously an important regional power, not merely in terms of its ability to project power and influence in the Middle East, but also because of its strong perception by other countries in the region as a significant power. Israel recognizes this and is concerned by Syria's missile and chemical warfare capabilities as well as its conventional warfare potential. This suggests that if there is to be regional stability in the Middle East, Syria must be an important player.

With the U.S.S.R.'s preoccupation with other matters and the U.S.S.R.'s rejection of Syrian requests, there is now an opportunity for the United States to bring Syria closer to the West. There are many matters on which the United States could be appropriately helpful to Syria such as spare parts for commercial airliners, trade and the extension of commercial credit. If the United States developed closer bilateral relations, Syria might listen more closely to the United States concerns on human rights and the Mideast peace process. The matter of terrorism, including outstanding questions on Ahmad Jibril's involvement in Pan Am 103, remains a cloud over United States-Syrian relations, but Syria's continuing efforts on that subject and aid in releasing our hostages, in conjunction with what Syria has already done, may ameliorate that troublesome issue.

A stronger bilateral relationship with the United States could help bring Syria into active negotiations in the Mideast peace process which would promote United States interests in the region. Last June, in a meeting with executive branch officials and a group of Senators, I urged President Bush to consider an invitation for President Asad to visit the United States. Shortly after my return, I briefed the President, Chief of Staff John Sununu, National Security Adviser Brent Scowcroft and others at the White House on January 25 and renewed my suggestion that consider-

ation be given to inviting President Asad to the United States.

The Mideast peace process is currently preoccupied with the Palestinian issue. If security for Israel and the region could be achieved by bringing Syria and Iraq to the bargaining table, I believe the Palestinian issue would fall into place.

My meeting with President Asad, Vice President Khaddam, and Foreign Minister Shara suggests to me significant Syrian receptivity to closer United States-Syrian relations; and with that, a likelihood of greater United States success on our Mideast and worldwide goals.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

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

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

CLEAN AIR ACT AMENDMENTS OF 1989

The PRESIDING OFFICER. The Senate will now resume consideration of the pending business, S. 1630.

The assistant legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell Amendment No. 1293, in the nature of a substitute.

(2) Symms Amendment No. 1295 (to Amendment No. 1293), to allow communities to decide whether or not to close a business because of emission limitations imposed by Section 112 of the Clean Air Act.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. DURENBERGER].

Mr. DURENBERGER. Mr. President, I understand the pending matter before us is an amendment by the Senator from Idaho [Mr. SYMMS.]. Am I correct in that assumption?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURENBERGER. Mr. President, I rise in opposition to the amendment offered by the Senator from Idaho and I do so because I believe it is contrary to the agreement which has been reached by the Senate leadership and the administration on this legislation.

I will speak only briefly to the agreement which we reached, but more importantly, to my colleagues, I will say that doing a clean air authorization is the next impossible thing to crossing Antarctica by skis and dogsled. We have not been able to do it since 1977. We only were able to do it once before that, in 1970. We have struggled in a variety of ways over time to bring a bill to the floor that might alter public policy in an appropriate way.

I think the only reason the bill is before us this week is because both the Bush administration and the Senate, I think the House as well, made a decision to take as much of the partisanship, and even as much of the regionalism, out of the clean air bill as possible.

We all know the history of the last 4 weeks and the negotiations that took place, to try, not just to accommodate the variety of philosophic views, regional views and so forth, but also to stay within the original intent of the national clean air policy, which was to make a workable piece of public policy which can be implemented.

S. 1630 includes a health standard for cancer-causing air toxics which may be released from industrial facilities. Those standards will begin to be effective for existing plants in the year 2000.

The bill also contained a 5-year extension for any plant that would face severe economic hardship as a result of those standards. So plants emitting carcinogens would have 15 years before they would have to come into compliance with health standards. It was the belief of the committee that this extension would allow time to install the pollution control technology necessary to reduce the risk and would avoid unreasonable costs.

Many Senators felt the requirements of the bill were too harsh. And as a result, the negotiations which have been conducted over the past 3 weeks have focused on other approaches to this problem. The agreement provides that the owner of a plant emitting a large quantity of cancer-causing substances need only show that no actual person within the vicinity of the source is exposed to a cancer risk greater than 1 in 10,000. But the agreement is based on the clear understanding that any plant exceeding this level will be required to cleanup or shutdown.

The Symms amendment would set aside that policy. It would override the agreement that took us almost 4 weeks to hammer out. The first subject we tackled on February 8 for 8½ hours was this section, air toxics. We came back to it again on February 22 and spent the better part of a day, and a second day dealing with this same issue. We came back to it again 2 or 3 successive days before this agreement was arrived at in order to reach this agreement. It was an agreement that everyone, including those who were not on the committee, those who were not part of the group of 15, but who were very involved on the part of the same community Senator SYMMS feels strongly about where a party to and hopefully were in agreement with.

So I say the Symms amendment would set aside that policy. It would override that agreement.

No action could be taken to force reductions in cancer pollution from a plant unless there was a referendum in the community surrounding the plant. The amendment clearly touches on issues which are within the scope of the agreement and establishes a different policy. I believe all of us who are party to the agreement must, therefore, oppose the Symms amendment.

Mr. President, I would also oppose the amendment even if it did not violate the agreement which has been reached between the Senate leadership on both sides of the aisle and the Bush administration. I would do so because it is an unworkable agreement. One can imagine a small town with a single plant voting to keep the plant open and accepting the cancer risks.

But how would this policy be implemented in metropolitan areas? Large sources of hazardous air pollutants may increase cancer risks over an area extending 30 miles from the fence line of a plant. In a metropolitan community, hundreds of thousands of people living in dozens of communities would have to be consulted by referendum under the Symms amendment. Can anyone imagine a vote in the District of Columbia metropolitan area on a plant that might be located in Alexandria, College Park, or Reston? The District, two States, and dozens of local communities would have to coordinate an election whenever a plant decided to claim that an air pollution standard caused an economic hardship.

My colleague from Idaho might say that the complexity facing the dozens of local governments trying to coordinate that kind of election is nothing compared with the burden faced by the plant owners and workers facing shutdown. But the amendment is not only about shutdowns. The amendment goes beyond the extreme case, and it requires an amendment for every fee, every permit that might be imposed under the air toxics section of this legislation.

I ask my colleagues to try to imagine a public referendum every time an air pollution permit is issued, every time a fee is collected on a permit application. We would be voting two or three times a day in this community on these kinds of referendums. Three-

quarters of the people of America live in large metropolitan areas, and hundreds of permits will be issued to sources of pollutants in each area every year.

There are 30,000 plants and other facilities across the country that may be subject to these regulations. The Symms amendment would put those polluters in charge of the regulatory process. If they did not like their permit or they thought the fee imposed by the State air pollution control agency was too high or they did not want to include air pollution control equipment, they would just plead hardship, threaten the workers, the communities, and force a referendum. The State pollution control agencies would be stymied, which I suspect may be what the Senator from Idaho has in mind.

I will oppose this amendment because it violates the agreement we negotiated so carefully and because it is not workable.

Mr. President, I will say that if others have a different judgment about this agreement, I may offer an amendment in this area myself at a later point, but I urge the Senate to oppose the Symms amendment. It is in violation of the agreement. It is unworkable. It would make it impossible to implement the air toxics program in this bill, and it would require a public vote on every permit or fee issued by a State air pollution control agency. It is the largest possible step backward from the 1977 bill, to say nothing of what it does to the workability of the one we proposed to be the 1990 Clean Air Act.

Mr. President, I yield the floor.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana [Mr. BREAUX].

Mr. BREAUX. Thank you, Mr. President. I rise in support of the committee product that is now pending before the Senate, which is the result of a number of days, and I would also point out nights, of extended negotiations, negotiations that lasted until 3:30 in the morning, until 2 o'clock in the morning, until 1 o'clock in the morning; wherein all Senators who had an interest in trying to come up with a compromise package were invited to participate. There are a number of Senators, however, who stayed the whole route and indeed worked day and night to produce the legislation which is now before the Senate, of which I have signed on as a supporter and, indeed, do so with enthusiasm.

I would like to particularly commend the majority leader of the U.S. Senate, the Senator from Maine, without whose help this product would not be on the floor today. It has been 13 years since we have taken action to do something about the quality of air in this country. Environmental groups could never agree on how much we should do; industrial leaders could never agree on how much they would accept. Because of that impasse, we have continued to pump out untold amounts of toxics and pollutants into our Nation's atmosphere. Congress has had to sit idly by and watch the devastation, the sickness, the illness that that type of operation has continued to produce. We have been frozen in limbo with an inability to produce legislation that was going to address this very serious and substantial problem up until now.

The majority leader put together a group of Senators from widely different perspectives, some of us representing large concentrations of petrochemical and oil and gas refining industries, as well as those who represented areas that were being particularly impacted because of acid rain and because of other exposures as a recipient of the pollutants that were coming from other parts of the country. We were asked by Senator MITCHELL to sit in a room, to work to resolve differences, and stay there until we produced a product. That product is now on the floor of the U.S. Senate.

It is interesting to see the various comments outside of Washington about whether this is a good bill or bad. I predicted that those from industry would think that we have done too much, and we have seen their remarks indicating that that is in fact, their belief. We have seen environmentalists who have said we have done too little. We have seen press conferences now sprouting up throughout our respective States saying that we have retreated from what we had before.

Mr. President, I believe that the truth is certainly somewhere between the two extremes. I like the way it was phrased and characterized by the Washington Post in their recent editorial when they called this product a "triumph of common sense" that will go a long way toward cleaning up our Nation's air in a manner that allows our industries, our companies, producers of products to continue to operate with new rules and new standards. This bill says to polluters: "Clean up or close up." But it does so with a set of standards that are reasonable, practical, and balanced and will allow all of us to pass a piece of legislation that we can be proud of.

Air toxics is a section of the bill that directly affects my State of Louisiana because of the high concentration of petrochemical plants, oil and gas refineries, and chemical plants producing products for use throughout the world. Louisiana right now by estimates is emitting 134 million pounds of air toxics a year—air toxics being emitted into the Earth's atmosphere essentially unregulated under current law.

This section of this bill is expected to reduce that amount by about 90 percent in the first round—roughly 120 million pounds less of air toxics should be emitted within the State of Louisiana as a result of the first phase of this bill, a monumental step with regard to the cleaning up of the air we breathe.

What we do better that first round is, I think, settled in a manner which is agreeable to most thinking Members of this body. After we clean up 90 percent, we ask the Environmental Protection Agency to study the locations, the situation, and determine whether we must do even better than that. But we do not arbitrarily accept a mathematical computer model and put the computer model into play with regard to further requirements for these plants. We are not trying to clean up the air for hypothetical people. We are trying to stop people's exposure to health problems.

What we crafted in the compromise will allow the National Academy of Sciences to recommend the best way of assessing risk and to provide that recommendation to a commission, which is a balanced commission, which will make a recommendation to Congress on how we may best arrange risk.

If Congress does nothing, if we just sit back and refuse to accept what we should do in the second phase of cleanup operations, then a minimum standard of no greater than a 1 in 10,000 risk of cancer as a result of exposure to these air emissions would go into effect, with a further goal of reducing risk below 1 in 1,000,000. So we have a bottom line if Congress does nothing, but we give Congress the chances to receive expert advice and to come up with a real world, reasonable test, which I think makes a great deal of sense.

We want to clean up health problems in the real world, not hypothetical problems suggested by a computer model. This, I think, makes a major step in that particular direction.

What do we do about automobiles? No. 1, we are going to require that they use cleaner burning fuels. We can do that. Right now we have automobiles that average about 1.75 grams per mile of hydrocarbon belching into the atmosphere every day. That is a particular problem in some of the severe and extreme areas, like Los Angeles, that have incredibly high amounts of pollution, producing a very unsafe situation for the citizens of those cities because of the high number of automobiles.

We require that by phase 2, which begins in model year 1999, we will reduce that 1.75 grams per mile of hydrocarbons down to .66, a major reduction in emissions, because of burning cleaner gasoline or other fuels in improved automobiles, which this bill requires. In addition, we require a 27-percent reduction in air toxics.

I am very pleased that we also had our group accept a section that I offered which requires ultra-clean vehicles, even cleaner than those that burn reformulated gasoline. We will require automobiles to burn especially clean fuels, like compressed natural gas, which emit virtually no pollutants. We phase in that requirement by ordering that Federal vehicles in some of our most serious, severe and extreme areas be operated on these alternate fuels like natural gas we require that the Federal Government set the stage and, indeed, become the leader in producing a cleaner vehicle.

What a great achievement it would be if every vehicle owned by every Federal agency in these dirty areas would be operated on a fuel such as natural gas—a tremendous effort at cleaning up the atmosphere and the quality of the air. So we require that Federal vehicles in these extremely dirty areas actually begin using especially clean fuels like natural gas.

We also require that beginning in 1997, at least 30 percent of new private vehicles which are owned by fleets with 20 or more cars and are fueled and maintained at central locations also begin using these especially clean fuels in the nine most polluted areas.

We are talking about a total of 69 major cities that will be required to have vehicles gradually phased in beginning in 1995, to begin using ultra-clean fuels—a major achievement as far as cleaning up the atmosphere.

With regard to acid rain, very difficult compromises were reached. The President pro tempore of the Senate, the Senator from West Virginia [Mr. BYRD] was very active in fighting to try to protect the interests of his State, and at the same time I think a realistic compromise was reached with those States which want to see less acid rain produced by restricting the burning of high sulfur coal.

I personally feel that if we have a cleaner burning fuel, we should use it. I think this legislation goes a long way to requiring that the dirty utilities in this country which are burning high sulfur coal start converting to cleaner burning operations by switching fuels, by cofiring, burning the high sulfur coal with clean natural gas and producing fewer emissions, or they can use scrubbers or other technology which are more costly, to help additionally clean up emissions that they are producing.

This bill calls for a 10-million-ton reduction in the amount of emissions that are being produced by the utilities in this country—a 10-million-ton reduction—and cap it at that level, 10 million tons below what we were doing in 1980.

The emissions reductions are in two phases. We require them to go down to 2.5 pounds per million Btu's by 1995, and down to only 1.2 pounds per million Btu's by the year 2000. We allow the clean burning States like my State of Louisiana, which is one of the cleaner States because we use natural gas, to receive allowances which will permit us to grow so that we will not be penalized for having clean utilities. So we do have an opportunity to have some growth in our area.

For all cities that are in nonattainment areas, we have some very strict standards they have to meet. Annual progress is required in reducing their emissions 4 percent a year for 6 years, and 3 percent each year thereafter. We allow the States to come up with their plans to produce these results but certainly require that if the State fails to act, the Federal Government steps in. It gives the State the opportunity, but if it fails to produce a plan that meets these standards, the Federal Government will come in and begin to do it.

With regard to motor vehicles, in addition to the clean burning fuels we are going to require such as natural gas and reformulated gas, we also require that beginning in 1993 the tailpipes on the cars will meet a new standard, more strict than it is today. This would result in a reduction of 22 percent in hydrocarbons and 60 percent in emissions of oxides of nitrogen coming from the tailpipes of these cars, a major new effort at reducing pollution coming from vehicles, which is our largest source.

How do we get further reductions? The bill provides that if 11 of the 27 serious nonattainment areas are not clean by the end of 2001, then additional tailpipe standards will go into effect in the model year beginning 2004.

We hope these areas are in fact in attainment, that they have been successful in cleaning up the air. But if they are not, this legislation requires that a second round of tailpipe standards go into effect. I am hopeful and optimistic, as is EPA, that that will not be necessary. The legislation clearly provides that if the situation is not working as we think it will be, additional tailpipe standards will be required nationwide.

We also require in the severe areas, if they are still 25 percent above the health standards in the year 2004, additional tailpipe standards will go into effect in those areas, and these are the nine cities that are the most severely impacted, and severe and extreme areas.

So we have, I think, adequate protection to ensure that cars, No. 1, will burn cleaner fuels and, No. 2, that cars will have better exhaust systems that will produce less emissions from their tailpipes.

All in all, Mr. President, the bill is not perfect. No legislation product of a body such as ours will probably ever be perfect. But I think it goes a long way in addressing one of the most complex, complicated, and most severe problems with which we, as a nation, are going to be faced, and that is indeed saving the planet Earth and protecting the health and living conditions of its people.

The bill goes a long way toward doing that. I want to commend particularly the Senator from Montana and the Senator from Rhode Island who both, I think, made a major contribution toward compromising in areas in which there was reason for legitimate compromise to try to produce a new law that is 100 percent better than what we have now.

This compromise agreement is one I highly recommend to my colleagues. It merits their support so we can send the bill to the President and have it signed into law this year.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, first of all I would like to thank the distinguished junior Senator from Louisiana for the kind comments that he made in connection with the work that we have done on this legislation.

I also would like to say that he has been a key player in all the conferences and meetings that we had in connection with it, and deserves a lot of praise, as does the senior Senator from Minnesota, for the work on the bill as a whole but particularly in connection with this section which they delved into, and indeed in fashioning the compromise that we came up with.

I oppose the amendment offered by the Senator from Idaho. The amendment would overturn the compromise on health standards for air toxics which is included in our agreement with the administration. I support the agreement, and hence oppose this amendment.

But beyond that, there are other reasons to oppose the amendment. First of all, I must say that the wording of the amendment is somewhat confusing, and indeed does not cite in its language the agreement that we finally reached, and the language that is included in the agreement. For example, the amendment by the distinguished Senator from Idaho sets forth the question that is posed to the people in the constituency that he is suggesting we vote upon in a referendum—whether a plant should be closed or not.

He sets forth the exact language. I shall read it. Question: Shall—name of plant or facility—remain in operation notwithstanding the fact that the U.S. Environmental Protection Agency has projected the possibility that an individual born or standing in the defense line of this plant for 70 years be sub-

ject to a lifetime cancer risk of greater than 1 in 10,000 or 1 in a million.

Mr. President, in the language that we provided under the compromise it does not deal with the risk of 1 in 1 million. It deals with the risk in 1 in 10,000. But beyond that, we do not know yet what exact standards will be provided because in the legislation that we have it provides for a study. It provides for the National Academy of Sciences to come up with a standard, and the standard may well not be that of an individual born and standing in the defense line of the plant for 70 years. That would not be the appropriate question to ask the citizens to vote upon.

Furthermore it seems to me that this is an entirely unworkable proposal. It says that any time a plant claims that an economic hardship is being imposed by an air pollution rule or permit, the whole community will go to vote pro or con on that permit or rule.

This cuts into the heart of the residual risk program which says that if a plant cannot reduce its emissions so that an active person living within the vicinity of the plant—these standards are going to be set up by the National Academy of Sciences and studies resulting therefrom as I said. If a person is exposed to cancer risks greater than in 1 in 10,000 it must shut down. This is a national standard.

The standards that we come up with will be a national standard, and will have to be applied equally and fairly amongst all sources in a particular industrial category. The amendment proposed by the Senator from Idaho would change that equation. The emitter of the cancer causing substances will be able to mount a large public relations campaign in local communities to convince the voters they cannot afford to install those controls.

The entire process it seems to me would be put in the hands of the polluter. The polluter would control the information on which the voters would decide. The Government does not have any funds to go out there and mount a counter campaign. The polluter with the high-powered public relations effort would present what it considered the facts, and indeed these might well be distorted or twisted in order to satisfy the polluter.

The polluter as I say would control the information on which the voters decide. They are the ones who can threaten the local citizens and the local elected officials with a shutdown unless their economic demands are met—"they" being the plant, its officials, and its public relations individuals are the ones who have thousands of dollars to spend on a slick advertising campaign which can confuse the issues or mislead the voters.

This concept undermines the premise of the Clean Air Act. Furthermore, it undermines the premise of further acts that we have on the books, particularly the Clean Water Act and other environmental laws. If we are going to make any progress in cleaning up the environment, we need strong national standards applied equally to polluters in the same industrial categories.

There is another hidden roadblock in this amendment. Assuming that the EPA Administrator somehow could figure out how to define what the "community" is, the legislation talks about the "community." "No plant or source shall be required to cease operations unless a question shall have been placed in referendum before the community exposed to the risks."

What is the community? Is it a city? Or is it a metropolitan statistical area? Is it a radius of 5 miles from the plant? Are those in that radius then entitled to vote? By the way, who is going to vote? Everybody, man, woman, and child? After all, everybody's health is affected. Or just those over 16 or just those over 18? Do you have to be a registered voter? Do you have to be an American citizen to vote for example? After all, you could be a legal alien living in the territory, legal with your green card. You are the one who is going to suffer. Are you going to be permitted to vote on this plant or do you have to be a U.S. citizen to vote even though your health may be adversely affected by the plant?

What about those who have not lived in the area very long, not long enough to qualify to vote under the normal voting standards? In our State, for example, you have to register 30 days before you vote. What would be required here? Would you have to have lived there a certain length of time? Who knows? That is not made clear.

But these are the problems that the EPA Administrator would have to satisfy. We are going to have the Administrator of the EPA tied up with a whole series of burdensome requirements that could cost all kinds of man-years to an agency that is already strapped for manpower.

Under our approach the permits for these facilities are going to be issued by responsible State and local governments. It is important to note that a program very similar to the one that is included in this air toxic legislation has already been implemented under the Clean Water Act in connection with the discharge of toxic pollutants into surface waters. It is suggested that some gigantic new burden is imposed by this legislation that is totally foreign to anything that American industry has been subjected to in the past. That just is not so.

Many of the facilities that will be regulated for air toxics are being regulated for water pollution discharges for water discharges. These same industries already pay fees to support the water program. They must meet under the existing laws stringent water quality standards which go beyond simple technology requirements. They include consideration of health and environmental effects. American industry has not been shut down by the Clean Water Program. It has not been necessary to have a public referendum on every permit or fee to run an equitable program.

None of this language exists, that is proposed in this amendment, under the Clean Water Act. The Pollution Control Program proposed for air toxics in this legislation that we have is a copy of the Clean Water Program, and undue burdens will not be imposed.

We have modified the original proposal that we came to the floor with, 1630, the committee bill. As a result, the program we have come up with does involve the community in the decisionmaking process. This is not something done by some faceless bureaucrats way off in Washington.

Plans which exceed the 1 in 10,000 risk level can get an alternative standard, as I mentioned previously, if the plant does a health assessment in the community showing that no actual person would experience a high cancer risk. These health assessments are available to the public. There will be public hearings and a chance for written comment before any final decision is made. All of that is provided under the bill that we are currently voting upon. So we have a workable process for public involvement.

But this amendment, in my judgment, would gut our program. It is explicitly contrary to provisions in the agreement. As I said before, I believe it is unworkable.

So I hope that the amendment will be rejected.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho [Mr. SYMMS].

Mr. SYMMS. Mr. President, I rise to talk about one thing.

First, I want to make a couple of comments to answer some of the criticism of what I consider to be a very fine amendment. I might say to my colleagues that the idea behind this amendment originally came from the environmental side of the argument.

I think the Environmental Defense Fund first started talking about it because they think that local people who would be affected, to answer the question of the Senator from Rhode Island, long before we ever got to a referendum. EPA will already have determined who the population that is exposed and at risk is.

For us in the Senate to say that we do not have confidence in those people that are the exposed population is a classic definition of what I call "banks

of the Potomac mentality." My definition of that is when we think the people along the banks of the Potomac River know what is best for the people who live along the banks of the Snake River or the Columbia River or the Missouri River or the Mississippi River.

It is incredible to me that somehow, after a time in Washington, when all of the players here in this town talk to each other, that finally they come to the conclusion that the only way the people can survive is that we pass legislation, and we will not even give them a referendum. That is all this amendment says. It is very simple.

I will just read the text. It says:

No plant, facility, or source shall be required to cease operations, nor shall be put in jeopardy of ceasing operations because of action taken with regard to its permits, fees, or fines, as a result of exceeding the standards issued pursuant to subsection (f) of this section, unless and until such time as a question shall have been placed in referendum before the community exposed to the risks which exceed the standard, and at least 50 percent respond in the negative. Prior to the issuance of any standard pursuant to subsection (f), the Administrator shall, by rulemaking, determine the appropriate methodology for conducting such referenda. The question placed before the exposed population shall be worded as follows:

Question: Shall (name of plant, facility, or source) remain in operation notwithstanding the fact that the United States Environmental Protection Agency has projected the possibility that an individual born and standing on the fenceline of this (plant, facility, or source) for 70 years may be subjected to a lifetime cancer risk of greater than (1 in 10,000 or 1 in 1,000,000).

I know my colleagues are saying that is not appropriate. That is exactly what is in the bill. Unless the National Science Foundation makes other recommendations and Congress enacts another residual risk standard, the way the bill is written, that is exactly appropriate.

Then I go on with the amendment. It says:

Even should less than 50 percent respond in the negative, no plant, facility or source may increase its emission of the substance or substances whose risk was the subject of referendum beyond the level emitted at the time the question was placed before the exposed community.

In other words, so they cannot pollute worse just because they won the vote. The people in Beaumont, TX, who stand to have a petroleum refinery plant closed because of this legislation, and the 2,000 people, and the other thousands of people who live in the community, who are the exposed population, choose to keep the plant open, that we are going to keep it open. That is basically what the amendment says.

Before I go further on the amendment, I want to talk to my colleagues about my general analysis of what we have with respect to this bill.

Mr. CHAFEE. Will the Senator yield for a minute?

Mr. SYMMS. Sure.

Mr. CHAFEE. I want to make clear that in the legislation we have, it provides for a study involving the actual person who lives there. In other words, the plant who is threatened with the shutdown, because it cannot meet certain standards, can then request a study involving the actual person.

So it is not quite accurate to say in your question that is being presented for the referendum that EPA has projected the possibility that an individual born and standing in the fenceline of this plant for 70 years may be subjected to a lifetime cancer risk of greater than 1 in 10,000.

That will not be the final situation, so the question you set forth in your legislation, in your amendment, is not an accurate question to pose to the people, because before they get to the situation where the plant will be closed, the plant will have requested this study that I mentioned, and that study will involve the actual person. In other words, you actually find where the nearest house is, who is living in it, how long they anticipate living there; you deal with actual facts, rather than somebody who has been standing in the fence line for 70 years.

Mr. SYMMS. I say to my colleague, Mr. President, if the Senator from Rhode Island has some suggestions, I would be willing to look at those suggestions for a possible modification, of a more accurate definition to the language of the amendment. But the way I understand the residual risk from the agreement, it is one of the most resolved of the so-called "rumored-to-be-resolved" issues. The 1 in 10,000 shutdown standard and the 1 in 1 million technology case standard still exists, unless amended by Congress sometime in the future; is that not correct?

Mr. CHAFEE. No, that is not correct.

Mr. SYMMS. That is the way I read it.

Mr. CHAFEE. The plant threatened with the shutdown can then appeal for the actual man, for the actual situation, and thus a study is based upon that actual situation, rather than the hypothetical situation that would otherwise be involved, absent the request for the on-site study.

Mr. SYMMS. Mr. President, the way I understand it, to go on from what I said, Congress will have to act between now and the time that this takes place, because the current language in the bill—it is true that they are asking for a study. But furthermore, the hypothetical maximum exposed individual continues to be the basis for the regulation, unless a company invests millions in a demographic study upon which to base a maximum real exposed individual standard.

Now, what that tells me is it will be cheaper to go out and buy up a few of the houses close to the plant, because this air does disseminate once it leaves the plant, and it spreads out, it goes up and it broadens, and it instantly becomes less toxic, or it has less air toxic in it as it is spread out in a wider area.

If the goal of perfecting the original S. 1630 provision was to provide some assurance for future capital formation in the United States, the compromise fails miserably since it clouds rather than clarifies what the future regulation is going to be. So I think this amendment is appropriate.

But I appreciate the concern that the Senator from Rhode Island brings up, and if someone thinks that they can come up with better language—I would say this with respect to the language in the bill, that first off EPA is going to determine who is the exposed population, what community is at risk. That is the first thing. The second thing, there will be a great deal of time to go through this, and the appropriate wording, it may well be that appropriate wording could be different, but the way the bill is written now, I think the Senator would have to say that this language is correct because it really basically is based on this MEI, most exposed individual, for 70 years, subjected to a lifetime cancer risk of greater than 1 in 10,000 or 1 in 1 million, which amounts to 170,000 years, or something like that.

It is very interesting to me that we are legislating that which will cost millions and millions of Americans their jobs that could be threatened when the average risk, the residual risk, if you will, of anybody, any person, is 50 in 1 million that you will be struck by lightning in your lifetime, and yet we are talking here on the Senate floor, along the banks of the Potomac, where all wisdom seems to be most valid, that we are going to go out and give the EPA the authority to start closing plants, costing millions of Americans their livelihood, driving these production facilities, pharmaceuticals, chemicals, the steel industry, and others, offshore, driving them to Canada, driving them to Mexico, driving them to Honduras and Nicaragua and other places that will hopefully by then, after the elections in the Communist country of Nicaragua they have seen the light, that they know that they do not want what it is that we keep pressing forward with here along the banks of the Potomac that we continue to try to force and mandate excessive regulation on people.

Mr. President, I want to go through very briefly a few points. After analyzing this bill in the late hours last night—and I would like to thank Trent Clark of my staff for the work he did to prepare this summary of the best we could analyze this bill. But some of

the provisions are worse than when they went in from my point of view.

Stage II vapor recovery nozzles: The compromise contains the original Stage II mandates in S. 1630, but decreases the chances of waiving the mandate in the event it becomes unnecessary.

Fees: Generally speaking, while the initial amounts of several fees in the bill were reduced, a new provision indexing fees to the CPI was added to every fee in the bill.

So we do have the potential for higher fees into the future.

The automobile standards section:

The committee-reported S. 1630 contained a super-tight tailpipe standard for automobiles in the year 2003. The substitute does not entirely delete that requirement, but adds on top of it an additional "alternative fueled vehicles program" requiring private centrally-fueled fleets to be 30 percent "alternative fueled" beginning in 1997. The two provisions overlap, creating a situation wherein major nonattainment cities would have to make enormous infrastructure changes to accommodate methanol, CNG, or LPG, vehicles, only to have a nationwide emission standard imposed 5 years later that eliminates the need for such a program.

This is a very, very costly program, Mr. President. This is enormously costly to the American people. All I am trying to do, and if other Senators do not wish to be concerned about this maybe later on they can tell me and I will just vote against this bill and the Senators can go right ahead and pass it which they probably have the votes to do, but I think that the American people need to realize the cost this bill is going to impose on the working men and women of this country. It is going to be extremely costly.

Acid rain: Generally speaking, the new acid rain compromise does little to remedy the dilemma of clean-energy States whose growth is stifled by the cap on SO_2 emissions.

This is exactly the situation in the State of Idaho. We do not produce any SO_2.

To the extent that it further biases the granting of emission "allowances" to already high-SO_2 emitters, the compromise only makes the forced "clean State subsidy" to "dirty States" that much greater. Also, NO_x for SO_2 trading, allowed under S. 1630, is now prohibited. This eliminates a mechanism that would have allowed utilities to maximize cost-effective acid precursor control.

Mr. President, I think when Senators here begin to figure out and the American people begin to figure out the way this bill is written there will be 40 States paying to help cleanup 10 States that we are setting the stage for the second war between the States and there will be, I think, a great deal of controversy when people finally figure out down the road a few years what the Congress has done.

They are literally saying that the people in Idaho who have already cleaned up, the people in Wyoming who have already cleaned up, the people in Montana who have already cleaned up will end up getting to help pay for the cleanup of the power production in Ohio and through the Ohio Valley and in the States that burn high sulphur coal and have not spent the money on scrubbers as yet. So this still needs to be reviewed. People need to be aware this is what they are being asked to vote for.

Permits: Fee provisions have now been added into the permit section. [in S. 1630, they were attached to the criteria pollutant provisions]

PROVISIONS RUMORED AS "FIXED" THAT REMAIN SERIOUSLY FLAWED

Fees: $15 EPA budget booster: While the "per/ton" fees assessed on criteria pollutants is dropped from $75 to $25, that is only for the portion of fees that S. 1630 originally allocated for state air programs. The $15 dollar fee destined for federal coffers is still in the bill, and is still "dedicated to a special fund available only for appropriation to the EPA."

Fees $5,000 "Hammer" fee: While applied to a smaller slice of emissions, this enormous fee (still reaching as much as $100,000 per year for small businesses) remains in the bill in spite of the fact that it would be levied on even the best and the cleanest businesses through no fault of their own—possibly just because of a bad weather or high temperature year.

2003 tailpipe standards: This $8 billion dollar feature of S. 1630 is only cosmetically hidden by a caveat if 11 of the nation's furthest-from attainment cities are "in attainment" in the years 1999, 2000, and 2001.

If they are not in attainment then the $8 billion feature to this substitute will kick in as S. 1630. A mere replay of 1988's mean annual temperatures in any one of these years could produce nonattainment in all of these cities, even though such exceedance of the standards might not reoccur for 30 years after that.

So we are leaving ourselves exposed so no Senator should be misled to think that the $8 billion feature on the tailpipe on the phase 2 on tailpipes is not still in this bill.

Onboard canisters: This onboard vehicle bomb, as I call it, is still deemed safe by Congress, and is mandatory incorporation in vehicle design by 1995 can only be altered by an Act of Congress.

So it will requre a positive act if this becomes law so a handful of Senators who want to delay the progress will be in a position to stop the positive action that it would take to change this in the law.

Utility toxics emissions: The basic concern, that certain otherwise "clean" utilities might be forced to install scrubbers under title III, remains even for those plants that have very low SO_2 emissions.

Such "scrubbing" would increase power rates, while potentially providing little or no public health benefit. The provision also continues to include the vague terminology of "threats to * * * the environment" which could become a catch-all for any substance on the regulated list.

So we are just exposing ourselves with this to all kinds of mischief that could be played by a future Environmental Protection Agency.

Mr. President, I have already discussed the residual risk issue, but I think it is worth saying again. The biggest, most unresolved of the so-called resolved issues is the 1 in 10,000 shutdown standard and the 1 in 1 million technology chase standard which still exists unless amended by Congress at some time in the future.

Furthermore, the hypothetical MEI, the maximum exposed individual, continues to be the basis for the regulation unless a company invests millions in a demographic study upon which to base a maximum real exposed individual standard. If the goal of perfecting the original S. 1630 provision was to provide some assurance for future capital formation in the United States, which I thought was the reason for this, then this will not do the job because the compromise fails miserably, since it clouds the issue.

What I am talking about is if a group of investors were wanting to put a production facility that may emit some air toxics in any State in the Union, and had the potential to do it, they still would have to look at the future. Ten years down the road, if Congress does not act and they leave in this 1 in 10,000 or 1 in 1 million standard in the bill so that this person, maximum exposed individual, who as they say lives at the plant gate, keeps his head right in the fumes, stays there for 24 hours a day for 70 years, if his risk is increased, that 1 in 70,000 years that he might get a cancer over and above what he might have gotten otherwise, then they can have the authority to close the plant down. That is really what we are talking about, Mr. President. I think that that is still in the bill.

I know that a lot of Senators worked hard to resolve that issue, but I am not sure that investors—and I have no doubt that the intention of Senators here is to modify this residual risk part of the bill after the appropriate studies are completed. But I do not think that will do much for investors. I do not believe that will do much for investors, Mr. President. I say that again.

I believe what will happen is investors will say the United States is just simply too difficult a place. They are the country that set the pattern for those people around the world that are throwing off the yoke of oppressive government. The United States was the bastion, the example, the beaming, gleaming light of liberty, if you will, for people to know how to do things. But they are imposing, making it so difficult that we believe it would be safer to invest our capital in Mexico or in Canada or in some other country in the Caribbean basin if we are going to develop a steel plant, a pharmaceu-

tical plant, a chemical plant, and we will drive them out of the United States and we will lose jobs and we will lose opportunities for people.

There are some other critical provisions that were totally unaddressed by the compromise package.

Design value: Billion dollar decisions based on determinations of attainment versus nonattainment will continue to be predicated on a mathematical game with air quality monitoring statistics that can throw an entire State into nonattainment merely because of one obscure monitor, or because of one abnormally hot or, for carbon monoxide, abnormally cold, year.

Mr. President, this is extremely esoteric to determine attainment versus nonattainment on this kind of a basis; that one monitor, because of a meteorological or a weather pattern or some phenomena that happens, could throw a major area out of attainment and have all kinds of fees levied on people, expensive costs imposed on the opportunity for people to be able to do business in an area and literally drive jobs and drive investment capital out of these areas.

Transportation controls: The bill still contains provisions requiring States to implement very costly and very intrusive transportation controls like forced HOV lanes, bus lanes, no-drive days, and so on.

Forced carpooling: In spite of objections from the administration, the bill still contains provisions that would force employers to increase the number of "persons per car" at the threat of stiff criminal and civil enforcement sanctions.

Useful vehicle life: On top of tighter tailpipe standards, tougher pass/fail criteria for recalls, etc., Detroit will be required to manufacture cars that meet emissions standards for an entire 10 years, or 100,000 miles. While this poses considerably higher costs for marginal benefit, it also will force United States dependence on South African strategic metals—like platinum, palladium, and rhodium—to increase by 260 percent.

So South Africa and the Soviet Union will be the large beneficiaries from this part of the bill.

Mr. President, if we want to do something to help on automotive standards, in my opinion what we should do is pass the Roth bill which would make an incentive for people to trade in the pre-1983 automobiles with a tax credit and spend some money in that respect. In many ways, you can compute it out so it would not even be costly because of the CAFE standards. We would greatly enhance the reduction of emissions in the automobile fleet in the United States by making it possible for working Americans who would like to have a newer automobile, give them an incentive to take their older automobile that is a polluter and allow it to be run through the recycling machine and have them be able to trade up to a new automobile with a tax credit that would amount to somewhere between $2,000 and $3,000.

Senator ROTH has done a great deal of work on this. I cosponsored his bill. This would make a great deal more sense than imposing this 10-year, 100,000-mile standard.

Off-road vehicle standards by States: Farm and heavy-duty vehicle cost could escalate due to off-road vehicle provisions of the Senate bill that leave off-highway—but not on-highway—tailpipe regulation in the hands of States, in spite of the clear interstate commerce obstacles created by such regulation.

Gasoline volatility: The Senate bill continues to require a lowering of Reid vapor pressure to summertime levels that, in some areas, could result in vehicle start up difficulty.

In the high-level elevation areas when it gets cold at certain times of the year, with this Reid vapor pressure imposed at the Federal level, we will find that a lot of people will have difficulty getting their cars started.

Another area that needs to be resolved, and I have an amendment that would fix this and I hope to offer it before we complete action on this, but by requiring all "on-road diesel to go through the capital intensive process desulfurization, the bill forces small refineries and farm co-ops to redirect their diesel to off-road and home-heating markets, creating a nightmare of enforcement as you try to keep cheaper off-highway diesel from being used on highway. A simple SO_2 allowance crediting to small refiners could offset the capital cost of desulfurization, and reduce the incidence of duel fuels.

This was an amendment that I tried to pass in the committee, and I still will make another attempt to do that on the floor.

A simple credit to small refiners should offset the capital costs, I say again, Mr. President, so they could desulfurize and reduce the incidence of dual fuels in an area which is so confusing and so complicated and so difficult for enforcement and is not good for the environment.

Lead phaseout: The bill already requires lead-dependent engines to be phased out of production, thus guaranteeing the eventual phaseout of leaded fuel. A separate ban on leaded fuel itself serves no purpose other than to penalize farmers and owners of older vehicles—usually low-income households.

Mr. President, this will be great. All I can say to my colleagues who have a large number of farms in their States is be prepared as we drive leaded fuel off the market to answer to those people who will have their engines wearing out much faster, where there is really no evidence at all that anyone has suffered from lead poisoning from fuel used on farm vehicles that use leaded gasoline.

What we will have is more engines wearing out sooner, forcing rapid replacement. Also, if I am not incorrect on this, this has something to do with recycling, using up machines and equipment that otherwise would last longer, which is very negative to the overall environment of the country. It is beyond me how we think we are helping the environment to deny people technology that is known and proven to extend the life, the wear, and the fuel efficiency of gasoline engines.

Urban buses: The bill continues to require that 100 percent of new buses purchased on or after 1994 in cities of 1 million or more population, be "alternative fueled." The higher cost, initial capital plus maintenance, plus or minus the fuel costs, depending on the fuel, would create a distinct disincentive to modernize bus fleets.

I want to repeat that, Mr. President. The way this bill is written, there will be a distinct disincentive for people to modernize their bus fleets.

The air toxics list. A number of problems are associated with the list of pollutants in title III, including the following:

Ammonia: A substance that is neither carcinogenic, nor chronically toxic, [in fact, it is actually produced by the human body on a daily basis] ammonia is dangerous only when released under sudden and accidental circumstances, yet it is listed for both sudden and routine regulation, presenting the possibility of massive routine emission controls for no health benefit whatsoever.

Mr. President, I will have an amendment on that later on as we work on this bill. I hope we can get support for that, bipartisan support, and correct that to remove ammonia.

Mineral fiber: Even the Glass, Molders, Pottery & Allied Workers Union is on record opposing listing of mineral fibers. EPA's Health Hazard Assessment of mineral fibers states that "the casual relationship between fibrous glass exposure and the development of respiratory cancer is not considered credible at this time."

Compound categories: The list ends with a virtual kitchen sink of broad compound categories such as "cadmium compounds," "nickel compounds," etc., representing the addition of over a thousand additional chemicals to the initial list of 191 substances. Enormous resources could be invested in regulating this list of compounds when there are no known health affects associated with the vast majority of them.

Hazard assessments: The bill's costly redtape requirement forcing individuals to conduct hazard assessments is triggered by EPA's determination that the individual possesses a "threshold amount" of some substance "reasonably anticipated to cause acute adverse health effects * * * based on its * * * dispersibility." Water (H_2O) meets that criteria. The Small Business Administration estimates that these hazard assessments could cost between $2,000 and $10,000 each. Given the broad definition used in the bill, it is likely that farmers and other small businesses could be faced with such costs—all in the generation of paperwork, and not in protection of public health.

It is an enormously costly redtape requirement, which will force individuals to conduct these hazard assessments. And it creates an enormous amount of waste in time and effort on the part of small business people, where they are going to be required to hire more people to not help produce

anything, but only to fill out more forms for Government. Maybe some bright young staffer who is listening to this should do a study on how much paper will be required and how many trees will have to be cut down to provide the paper to fill out all this redtape, these costly redtape requirements of hazard assessments.

The definition of a municipal waste incinerator in this bill, Mr. President, simply says that the bill is going to regulate a municipal waste incinerator which literally means anything that burns anything. So we are adding a whole new round of redtape for all of the waste incinerators in the country, with this.

Product composition: The bill sets EPA in a position of prohibiting or limiting the manufacture, processing, or distribution in commerce of * * * or regulating the composition of any product it thinks should not be burned. Such sweeping power is only precedented in the context of this bill.

I hope there will be an amendment on the permitting section of this bill, because this massive overlay of permits on top of the existing State information plan regime continues in this bill. It will be enormously costly for permitting, for changing from one emission inside of a plant to another. It is going to be enormously costly to work out the permit system in this bill, and it will be a serious impediment in the way of the productivity of the American workers to be able to compete with the Japanese and compete with Western Europeans and compete with the Pacific rim and to maintain our competitive position in the world.

The enforcement part of the bill. "Serious flaws which penalize paperwork and good faith error remain uncorrected, threatening to drive many good professsionals away from the field of environmental engineering," where we need them.

On that point, Mr. President, what will do more good for the environment of this country than all the restrictive, punitive regulations that this Congress can dream up and pass, will be a development of better technology, better computer models. The solution to pollution, if you will, is design, to make things more simple. It is technology, and the way to have that is to have an entrepreneurial-based economy where people are unafraid to charge into the future, to try to make a better mousetrap, so to speak, so they can have a cleaner environment for all of us.

Handling of CFC's. The provisions which would impose an enormous regulatory burden on any CFC handling, thus making recycling of cars and refrigerators nearly impossible, remain in the bill.

Mr. President, they are still in the bill. This so-called compromise still has this sticky thing. What we need to realize is that Freon, in this bill, will be outlawed. That is already in the process of being done in other aspects of legislation.

The substitute, like S. 1630 as amended, bans methyl chloroform, one of the most readily available substitutes for the CFC's and constitutes, in the manufacture of HCFC's, the most efficacious substitute for CFC's. This only increases the difficulty of a total CFC phaseout.

This bill even continues to persist in the ludicrous exercise of requiring a nationwide inventory of methane emitted from stock. So, I think, Mr. President, there is still a lot of work to do on this bill. It is not the intention of this Senator to delay the Senate too far. But I do think Senators need to be aware of the fact that there is still a lot of work to do.

Mr. President, is the majority leader seeking recognition? I would be happy to yield to the majority leader without losing my right to the floor.

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

Mr. MITCHELL. I thank my colleague for his courtesy. I am seeking recognition for an unrelated matter, just briefly to gain unanimous consent to vitiate the pending rollcall vote on the Thomas nomination.

I am advised that this has been cleared with the Republican leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that the rollcall vote on the Thomas nomination and the order be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. SYMMS. Reserving the right to object, Mr. President, might I inquire of the majority leader what is his intention with respect to disposing of the Symms amendment? Would that be done after lunch, then?

Mr. MITCHELL. Disposal of which amendment?

Mr. SYMMS. The Symms amendment.

Mr. MITCHELL. It is my understanding the Senator from Idaho wished to have the vote on his amendment after the caucuses.

Mr. SYMMS. That is correct. As long as it did not interfere with that.

Mr. MITCHELL. That is perfectly agreeable to the managers, I understand, and to me.

Mr. SYMMS. That is fine with me.

The PRESIDING OFFICER. Hearing no objection, the request of the majority leader is agreed to.

Mr. MITCHELL. I thank my colleagues.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

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

Mr. SYMMS. Yes, I will be happy to.

Mr. BAUCUS. Since we have now vitiated the vote on the nomination and also now because the Senator from Idaho is agreeable to a vote after conference, I wonder at this point if the Senator from Idaho would be willing to agree to a unanimous-consent agreement that the vote on the Symms amendment occur at 2:30 today?

Mr. SYMMS. I would rather not enter into any agreement until after the lunch meeting with the Republican conference. I may be agreeable to enter into an agreemant at that point.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I want to carry on this discussion of title III of the air toxics title of the clean air bill pending before the Senate.

I think it is important for us to understand this title imposes regulations on the lives of millions of Americans. Unlike the criteria of air pollutants, like ozone, carbon monoxide, oxides of nitrogen, all of which are regulated under the ambient air quality standard or nonattainment provisions of the act, air toxics are not what we consider generic air pollution. Air toxics are emissions that are comparatively localized, such that you do not come into contact with them unless you pass fairly close to their source. Consequently, the definition of a major source of air toxics under the bill is much more stringent.

Mr. President, under this bill, a farmer, an automotive repair shop, a local dry cleaner, even the local newspaper, could be considered as a major source. So small businesses are going to be eligible for permits, for fees, technological controls and likely they will be impacted by what is in this legislation.

In the past, section 112 of the Clean Air Act has regulated air toxics under the health-based standards, standards that are promulgated by the Environmental Protection Agency and designed to protect the public from possible health risks. But because the health risks from these kind of pollutants are so vague and ill-defined, writing a standard that was soundly based in science has taken an extraordinary amount of time. The EPA has been able to issue standards only for a handful of substances—seven to be specific.

In an effort to expedite the Agency, the Environment Committee bill would promote a new approach to hazardous air pollutant regulation—technological standards imposed without regard to whether they are actually necessary in order to protect human health. However, mindful of the fact that such standards may, by their very

arbitrary nature, not adequately protect human health, the bill adds to the additional round of regulation whose goal is to achieve a level of nationwide cancer risk no greater than one in a million for anyone born, and not moving while inhaling deeply their entire life on the fence line of an air toxics source.

That is really what is in this bill. It would probably surprise a lot of my colleagues to hear that the purpose of this section is not to save lives. It clearly is not the goal. It is to establish a national risk level, a goal quite different from saving lives. As an example, suppose there is an air toxic to which everyone in the United States is exposed and the risk posed by that toxic results in the deaths of 25,000 Americans? According to the bill before us, this is acceptable as long as the source of the toxic is making an effort to control emissions. But, if there is an air toxic to which only 10 people are exposed, resulting in one cancer case every 69,000 years, the bill deems that risk too high because it translates into an individual lifetime risk for those 10 individuals or greater than 1 in 10,000.

Mr. President, I think we need to get this down and understand it very well. Let me repeat that. The regulatory program under this bill would not focus on a toxic that would kill 25,000 Americans, but it would force a plant to shut down that poses a hypothetical risk of one cancer case every 69,000 years. That is what is in this legislation. The goal of this regulatory program is definitely not to save lives. It is to create a homogenous risk across America.

Such a goal has never been advanced overtly by the proponents of the committee bill. Almost all public arguments in favor of the bill talk about how we are going to avoid cancer cases—a goal that we all favor—lives saved or deaths avoided, and yet at the price tag that the Business Round Table comes up with, a $62 billion price tag per year attached to this title of the bill, you can save many, many more lives. In fact, a million more lives if you spent that $62 billion in another way.

Mr. President, I have a real concern about this. I have a real concern about the idea that it is the Government's job to establish the acceptable risk level for all Americans. Is a world where the Government keeps us from facing risks the kind of world we want to live in? Are we going to try to become a risk-free society? How would life be if we never had to take a risk?

In a world without risk, we never would have to worry about earning a living, eating the right food or maintaining our health. We would not have a farm or highway accident. We would not have to face a stroke of bad luck, let alone suffer the adverse consequences of a bad decision.

That would be a great life, but you would not believe the number of people, thousands, on the banks of the Potomac, eagerly working for a risk-free world. It just is not possible. It is not utopia. They start with the social planners who want to guarantee everyone an equal-paying job, comprehensive health care and automatic retirement. They are closely assisted by the tax-and-spenders who want to make sure once we are paid we do not spend our money foolishly.

Right behind them are the consumer advocates committed to protecting us from ourselves. They are working hard to ban guns, three-wheel motor bikes, and worm-probes, you name it, to protect Americans from themselves. Soon, they will have all the dangerous objects out of our lives if they have their way, and they are aided by their friends the workplace regulators, who shut down businesses for being too risky. These are the people who mandate placing latrines for farm workers every 500 yards, protecting us from all risks too awful to name.

Finally, we have our environmental friends who act as cleanup for any risks any others might have missed. For them, everything is too risky. Since anything, pesticides are too risky. They condemn farming with even the smallest potential for erosion as too risky. They find unbearable the risk in transportation of fertilizer. They cannot stand to see the risk posed when cow and sheep graze BLM land.

I think this risk-free-world campaign is a lot of bunk. Life is a risky business. Of course, we want to minimize the risk, but at what price and how far? When I think about the fact that the American people have the cleanest, the healthiest, the safest, the most abundant and convenient lowest priced supply of food of any other group of people on Earth, and yet there are people who will come out and tell you day after day that somehow the food supply of the United States is not good; there are too many chemicals used in it; it is unhealthy for you.

The reason we are living longer is because we are eating better. We have cleaner, healthier, safer food. We are able to eat more fresh fruit and vegetables because of technology and because of some risks that have been taken. Every day we have to make decisions, decisions that involve some risk or another. That is what freedom is all about, Mr. President. We have to take some risks.

That is what the Founding Fathers did; that is what the early settlers did who settled in this country on the eastern seaboard. They faced a lot of hostile problems, but they braved the American wilderness and they escaped the tyranny of the English monarch. It was not a price that was paid without a great deal of sacrifice, and a lot of them died in the process.

But they all agreed that the risk was worth taking, and somehow the idea that the Government must prevent us all from facing any risk greater than one in a million to me is absolutely ludicrous. If any Senators ever go out and play golf, they have a lot bigger risk of being struck by lightning on a golf course and yet we are going to pass a law that says if the risk is one in a million, we will have the power of the Federal Government to close down the plant.

This bill could make it criminal to operate any business where a substance is used that might pose this kind of risk regardless of who or how many people are actually exposed to the chemical. For some of these chemicals, we are talking about extremely minute amounts. Take one-three butadiene as an example. A mere film of this substance on the water of a half-full paper cup is enough to trigger this hypothetical one in a million risk level.

Think about it. The Federal Government would ban any substance that it projects through some highly questionable mathematical equation, voodoo mathematics maybe you could call it, which would pose more than a one-in-a-million risk.

I want to make some comparisons for my colleagues. Smoking two cigarettes in your entire life would give you a risk of cancer 50 percent greater than one in a million. Two cigarettes in a lifetime will increase your risk of cancer 50 percent greater than a one-in-a-million risk. One x ray at the doctor's office increases the risk of cancer by eight in a million. Living in a House as compared to sleeping on a sidewalk grate raises your risk of dying in a fire to 50 in a million. Living below a dam, like many people in my State do, increases your chances of drowning 50 in a million.

Before we pass this part of this bill, with this one-in-a-million risk, how many of my colleagues live in a House, have smoked more than two cigarettes in their life or had an x ray? That is what we are legislating.

If we were going to legislate that being exposed to this kind of water is too risky, if that is the way Senators are going to feel about it, we might as well get the burial committee out and we can start burying those who are afraid to drink the water because of the risks that may be deemed as unacceptable by this clean air bill. The simple fact is it would be impossible to live a risk-free life even if it were desirable, which I question.

Needless risks of course we would want to avoid, but it only comes

through education and experience, through people becoming more conscious about their lifestyles, their work habits, by companies designing new and innovative processes that can serve to recycle their feedstocks so that air toxics are not emitted in the first place. The heavy hand of Government regulation is not going to solve this problem. Seeking to eliminate extremely small risks at extremely high costs is nothing but counterproductive in this process and there is far too much of that in this legislation.

Taking risks has been the hallmark of American success. We took a risk in the space program. We put a man on the Moon. In fact, we put several there. We risked American lives in Europe and the Pacific and we restored freedom to millions and millions of people. Pfc. James Markwell risked his life in Panama, and as President Bush said in his State of the Union Address, he did so gladly so we could be "free to do what we want and live our lives freely."

In fact, in the same speech the President even urged Congress to "encourage risk takers." If we as a Nation are to continue to succeed, it will be because we have met future risks head on and not retired to a risk-free society.

Several hundred years ago when the founding principles of the American society were first conceived, a number of men risked a traitor's death by signing a document we know as the Declaration of Independence. The author of that document, Thomas Jefferson, had this to say about the Government's role in regulating risks. I do not think Jefferson was that far off. In fact, I think he was right on target.

I think he would be right on target if he were here today and he would have something like this to say:

> Our legislators are not sufficiently apprised of their rightful limits of their power; that their true office is to declare and enforce only our natural rights and duties, and to take none of them from us * * * agriculture, manufactures, commerce, and navigation, the four pillars of our prosperity, are the most thriving when left most free to individual enterprise.

This bill is going in exactly the opposite direction of individual enterprise. This bill is allowing the long arm of the Federal Government to intrude into the management and regulation of every business in America, and to dictate the lives of the people.

Mr. Jefferson and his compatriots fought, and some of them died, to secure this Nation for us where men and women could live free to earn their livings by industry and hard work. In my view, Mr. President, it was a risk worth taking.

I have offered an amendment which will allow the right of Americans to live and work and face those risks on their own decision, not have those people on the banks of the Potomac have the complete, dictatorial rights over whether or not they will have a job.

There may be those who doubt the Environmental Protection Agency's ability to accurately measure risks. There may be those who doubt that they are as exposed to certain risks as the "maximum exposed individual" upon whom this bill bases its regulation. And there may be those who, looking at the extremely small, theoretical risks, choose to face those risks rather than face unemployment, local economic depression, and a general quality of life decline that would be much greater, if the plant were closed, than if they continued to take the risk of one in a million for that one person who lives right on the fenceline of the plant. If you move two blocks away, your risk may be one in a billion, so it is much less.

But my amendment creates, in the terminology of none other than the Environmental Defense Fund, a "bright light," allowing communities to decide whether they want to face a theoretical risk from the supposed air toxics or to have the EPA close down what could be their only source for making a living.

Mr. President, I ask unanimous consent that my amendment be printed in the RECORD. I have already read from the amendment earlier.

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

At the appropriate place in amendment No. , insert the following:

COMMUNITY INVOLVEMENT IN CLOSING DECISIONS

Section 112 of the Clean Air Act, as amended by this Act, is further amended by adding at the end thereof the following new section:

"SEC. . COMMUNITY INVOLVEMENT IN CLOSING DECISIONS.—No plant, facility, or source shall be required to cease operations, nor shall be put in jeopardy of ceasing operations because of action taken with regard to its permits, fees, or fines, as a result of exceeding the standards issued pursuant to subsection (f) of this section, unless and until such time as a question shall have been placed in referendum before the community exposed to the risks which exceed the standard, and at least 50 percent respond in the negative. Prior to the issuance of any standard pursuant to subsection (f), the Administrator shall, by rulemaking, determine the appropriate methodology for conducting such referenda. The question placed before the exposed population shall be worded as follows:

Question: Shall (name of plant, facility, or source) remain in operation notwithstanding the fact that the United States Environmental Protection Agency has projected the possibility that an individual born and standing on the fenceline of this (plant, facility, or source) for 70 years may be subjected to a lifetime cancer risk of greater than (1 in 10,000 or 1 in 1,000,000).

Even should less than 50 percent respond in the negative, no plant, facility or source may increase its emission of the substance or substances whose risk was the subject of referendum beyond the level emitted at the time the question was placed before the exposed community.

Mr. SYMMS. Mr. President, I have a number of other specific concerns in the way in which this title of the bill is constructed. I want to list just a few of those.

The substances to be regulated under this section are supposed to be those which the EPA has at least some evidence that health risks are present, yet the committee bill includes 174 specific compounds including 17 categories of substances such as cobalt compounds, magnesium compounds. Each of these categories represents an addition of many individual substances.

In most cases there is no evidence to suggest that every member of a category causes any human health effect. Instead of identifying which substances may cause human health effects, the bill unfairly shifts the burden of proof to manufacturers and users of these substances.

The last Superfund bill we enacted, title III, contains provisions for delisting substances similar to the process in this bill to the proposed section 112 criteria. To date the agency has processed only 18 delisting petitions. This is of particular concern since those 17 categories include at least 1,000 individual substances.

In addition to the problems with delisting individual substances, the inclusion of these categories will signficantly increase the difficulty of identifying which businesses will be regulated. Whether the agency could ever identify every business which uses each of these substances is questionable, Mr. President. But given the relatively tight schedule in the bill it would appear to me that it is impossible.

I mentioned ammonia earlier. It is a very important product in rural America. By including ammonia on its list of routine hazardous air pollutants, the committee places an unfair double regulatory burden on the fertilizer industry of this country. Ammonia, the basic nitrogen enhancer in nature as well as on the farm, is specifically listed under both the routine emissions and the sudden accidental release provisions of this bill, and yet the principal health concern with ammonia is strictly its sudden and accidental release in the atmosphere.

Mr. President, it is in the bill. It should be amended, and if no one else offers it, I will offer it. But ammonia is not carcinogenic, not mutagenic, not teratagenic or neurotoxic in either low or high volumes of exposure, nor does it present any significant public health hazard or environmental hazard through chronic exposure to routine emissions.

The imposition of this costly and burdensome regulation on routine am-

monia emissions associated with the production of crop nutrients would place an undue economic burden on an already beleaguered farm economy. If air emissions of ammonia are hazardous at all, it is only in case of substantial sudden accidental release, the regulation of which is appropriately addressed under the accident prevention provision.

In fact, far greater quantities of ammonia are released into the ambient air by the natural decomposition or organic material including manure than by the fertilizer industry.

The World Health Organization in 1986 estimated that cattle manure alone in the United States released 370,000 tons of ammonia per year. According to EPA, in 1987 livestock waste management systems for beef cattle feed lots and cropland spreading resulted in a release of 540,000 tons of ammonia per year. This is far above the emissions associated with commercial fertilizers.

Mr. President, even we humans produce ammonia—almost 16 grams per day. Half of all the nitrogen fertilizer used by farmers is applied in the form of anhydrous ammonia or simply ammonia without water. Farmers prefer anhydrous ammonia because it is 82 percent nitrogen, while most other nitrogen enhancers are only 40 percent nitrogen, costing more to obtain the same amount of nutrients.

America's farmers have learned how to live with and handle ammonia safely. The agricultural sector's hazardous substance training and educational programs associated with ammonia are among the best in the Nation. It simply does not make any sense to impose additional costs, additional uncertainties and burden the Nation's food production sector by including ammonia fertilizer under both the routine and accidental section of the toxics title.

I would invite my colleagues if they are not in the habit of shopping in the grocery stores or someone else who in the family normally does it, to take a trip to the local supermarket of their choice here in the Washington area or in their home States and look at the marvelous, high-quality food that is available for Americans; think about what we have accomplished through the food chain in this country, through the food processing industry, through the food handling, through the development of cold storage plants and transportation systems to get fresh produce to the markets immediately. They are high-quality, clean, healthy, nutritious foods for the American people to eat at a conveniently packaged, low-priced, affordable price.

VOLUNTARY EMISSIONS REDUCTION

Mr. President, this is an extremely costly situation that is in this bill and totally unnecessary. On voluntary emissions reduction, the committee bill attempts to recognize the value of offering carrots as well as sticks to obtain emissions reductions which I think is very positive.

I am saying something good, I say to my good friend from Montana, about the bill. Do not let him think that I have not said something good about this bill. However, Mr. President, even in this well-intended provision the committee has introduced a number of inequities.

First, the voluntary emissions reductions given recognition in the bill are only those achieved before 1992, from a base emission level established as that emitted in a calendar year no earlier than 1985. If you examine this scenario, company A made a significant investment in major pollution control equipment in late 1984. Company A's competition, company B, thought they might get by without any pollution control. The committee bill is enacted. Company B, realizing their loafing days are over, sees they can get a 90-percent reduction by using the same technology that company A installed in 1984. Result: company A must now retool to meet a "maximum achievable control technology," MACT standard in 1992, while company B is exempted for having "voluntarily reduced."

This scenario is a direct result of applying the voluntary reductions credits to the reductions from a particular date. No matter what date you select, it will be inequitable for those who acted just previous to that date. This inequity can be avoided by calculating the reductions from an industry norm, or from "a generally available control technology" equivalent, and then crediting reductions that go beyond that level, regardless of the time period in which the reductions occurred.

The committee bill implies that voluntary emission reductions apply only to a single source category or subcategory within a major facility. Companies should have the option of aggregating the reductions of all listed pollutants at a given site to achieve an overall 90-percent emissions reduction. This would make a lot more sense. This would provide a realistic incentive for companies to make investment in early reductions because it would give them the flexibility to find a cost-effective emissions to reduce.

The definition of "voluntary" is also problematic, resulting in certain good-faith efforts not being eligible toward the 90-percent tally. For example, several States or local agencies confiscate reductions which have been made in the VOC's at the time they redo their inventories for the SIPs.

As written, the committee bill would preclude the use of such reductions obtained, since provisions to incorporate past reductions in the SIPs are part of the State and local agency's regulations. Many emission reductions in nonattainment areas would not be allowed. The same language would also complicate the process for counting emission reductions—the bill does not give any guidance on that matter. As a matter of consistency, since the goal of the voluntary emission reduction credit is to obtain emissions reductions early, how or why those reductions should not be a question on any bearing on whether the reductions have been credited. It is not fair.

Even though utility powerplants are the focus of significant regulation under other titles, and even though utility plant emissions have seldom been measured for quantification or for health effects, the bill before us does not fail to impose one more layer of potential costly regulation on these sources.

Utility plant emissions listed under the air toxics title fall into three categories: solids found in the fugitive fly-ash portion of the flue gas—like manganese and nickel—gases vaporized by the high temperature flue gases, like hydrochloric acid, and other compounds that are not certain to be found in flue gas, like polycyclic organics.

Because the utility powerplant is already under significant regulation, options for further reductions are limited. Particulates from powerplants are currently regulated on a measure of "opacity" performance—how light or how dark the smoke coming out of a stack is—and emission rates.

In order to achieve a nominal 20-percent opacity limit, an implied collection efficiency often exceeds 99 percent. Even with this efficient performance, fugitive emission may total over the threshold limits of this bill. The technology needed to improve upon this high level of performance is limited to one known method, one method: Fabric filtration or baghouses which would have to be retrofitted to the existing units at an enormous cost.

The President's proposal wisely incorporated a thorough scientific review of the possible health benefit from the utility powerplant regulation for air toxics prior to the imposition of any regulations. Such a provision would be prudent and a justified addition to this bill. Such a provision would be prudent and justify the addition of this bill.

Mr. President, I hope that my colleagues that are signed onto this agreement are not going to deny an opportunity for us to correct what I think is a real costly oversight in this bill and should be corrected, as was recommended by President Bush.

The committee bill, in additional regulation of carcinogens, would treat equally all known probable or possible carcinogens. Under the Agency's categorization scheme, this would include substances for which there is no evi-

dence of human carcinogenicity. Those substances should not be treated the same as substances for which there is strong evidence of human carcinogenicity. Such substances trigger the "risk standards" of a 1-in-10,000 and a 1-in-1-million lifetime cancer risk. The EPA estimates that such standards are not currently technologically feasible for a number of major U.S. industries. Charts one and two list those industries most likely to "have difficulty" meeting such standards.

Mr. President, I ask unanimous consent to have printed charts numbers 10 and 11 in the RECORD at this point.

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

CHART NO. 10.—EXAMPLES OF SOURCE CATEGORIES THAT MAY HAVE DIFFICULTY IN MEETING A 1-IN-10,000 RISK STANDARD [1]

Category	Chemical(s) emitted
Butadiene production	Butadiene.
Neoprene production	Butadiene.
Polybutadiene production	Butadiene.
Styrene, butadiene resins	Butadiene.
Chlorinated hydrocarbon use	Chloroform, carbon tetrachloride, methylene chloride.
Chlorinated hydrocarbon production	Chloroform, carbon tetrachloride, methylene chloride.
Pharmaceuticals	Chloroform, methylene chloride.
Ethylene dichloride production	Ethylene dichloride.
Pesticide production	Ethylene dichloride, carbon tetrachloride, methylene chloride.
Ethylene oxide production	Ethylene oxide.
Primary copper smelters	Arsenic.
Primary lead smelters	Arsenic.
Zinc oxide production	Arsenic.
Chemicals production	Chromium.
Ferrochrome production	Chromium.
Vinylidiene chloride polymer	Vinylidiene chloride.
Coke ovens	Benzene soluble organics.

[1] Source categories listed were assumed to have a current risk greater than 1 in 1,000, thus requiring emissions reductions of more than 90 percent to achieve a 1-in-10,000 residual risk.

CHART NO. 11.—EXAMPLES OF SOURCE CATEGORIES THAT MAY HAVE DIFFICULTY IN MEETING A 1-IN-1,000,000 RISK STANDARD [1]

Category	Chemical(s) Emitted
Chlorine production	Carbon tetrachloride.
Ethylene dichloride production	Chloroform, ethylene dichloride.
Arsenic chemical production	Arsenic.
Secondary lead smelters	Arsenic.
Specialty steel production	Arsenic.
Glass manufacturing	Arsenic.
Chromium production	Chromium.
Refractories	Chromium.
Coke byuproducts processing	Benzene.
Mill tailings piles	Radionuclides (radon).
Elemental phosphorous plants	Radionuclides.
Underground uranium mines	Radionuclides.

[1] Source categories listed were assumed to have a current risk greater than 1 in 10,000, thus requiring emissions reductions of more than 99 percent to achieve a 1-in-1,000,000 risk.

Mr. SYMMS. Because the consequences of failure to meet standards applied under this section are so severe, that is, shutdown, it is unreasonable to ignore the consideration of technological feasibility in the development of standards. And, yet, such considerations are specifically prohibited in the bill.

This is the main reason I believe, Mr. President, that the community decision on plant closing amendment is so necessary. This is a necessary thing added to this bill. Mr. President, the accidental release provisions of the committee bill are intended to prevent the sudden accidental release of "extremely hazardous substances" in concentrations "that may reasonably be anticipated to cause acute short-term adverse health effects in humans," and to minimize the consequences of such releases.

Subsection (c) of this section directs the EPA Administrator to propose and, after public comment, promulgate a list of no less than 50 of such extremely hazardous substances within 2 years of enactment. The primary source for candidate substances is the list of more than 400 substances under the emergency planning provision, section 302 of the Emergency Planning and Community Right-To-Know Act of 1986, title III of the SARA. It further provides that this new list shall include substances "with the greatest likelihood to cause death, injury, property damage, or evacuation as a result of sudden, accidental release."

Despite the explicit instructions regarding the selection of substances, the committee then inserts on its own part an initial list of 25 substances to be subject to the accidental release provisions, 11 substances that are not included on the SARA section 302 "reference" list, and they do not appear to meet the specified criteria. Some of these chemicals—acetone, methyl ethyl keton, methylene chloride, tetrachlorethylene, and toluene—are widely used throughout American industry, and have not been implicated in the Bhopal-like incidents that the emergency release provisions are designed to address.

Mr. President, this is costly, and it is based on not sound scientific evidence, not sound science. It is based on the whims of Government, if you will, on the whims of Government to, along the banks of the Potomac, start listing things and sending them out to the people that work with them every day, the scientists, engineers that know what the risks are and work with them. They have done very well at them.

The permissible exposure limits or PEL's, as they are referred to by the Occupational Safety and Health Administration [OSHA] as acceptable workplace exposure limits, 8 hour and 15 minute averages, for these 11 substances, are considerably higher than the substances generally recommended for substances presenting significant acute health hazards. There is a similar distinction in the recommended threshold limits values developed by the American Conference of Governmental Industrial Hygienists for those substances. The 11 substances appeared to have been selected, not on the basis of their potential acute toxicity, but on the magnitude of atmospheric emissions of these substances reported under the provision of section 313 of SARA. Such emissions have no relation to the acute toxicity of a chemical, nor to its potential for sudden, accidental release.

Moreover, Mr. President, emissions of these substances will be substantially reduced through the imposition of technology-based and, if necessary, health-based emission controls specified under other provisions of this title. Listing of the individual substances in this section circumvents the procedures for EPA assessment and priorization, including the opportunity for public comment, established by the bill itself, and will not facilitate more rapid implementation of the accidental release provisions for substances so listed. Such a list should not be included in this title, and should, in any event, be limited to substances that fit the specified criteria for selection as "extremely hazardous."

Mr. President, I will conclude my remarks now with respect to title III, and I yield the floor.

Mr. BAUCUS. Mr. President, I first want to thank the Senator from Idaho for his contributions to this debate. The Senator is a member of the Environment and Public Works Committee. He is not a member of the subcommittee that first considered this bill at length. But as a member of the full committee, he has often indicated his views on the Clean Air Act, and certainly here on the floor he has also added his additional views on the act.

He was the one member of the full committee who did not support reporting out the bill. The bill was 15 to 1. Certainly, it was within his right to express his views why at that time he felt the bill should not be reported out of the committee, and now on the floor he is adding additional views, essentially, in disagreement with the main thrust of the substitute which is now before us.

Mr. President, as everyone concerned with this issue knows, the Clean Air Act has been the subject of very intense discussions by all Senators, discussions between the Senate and the administration, and certainly very intense discussions with a large number of interest groups and American citizens who were also concerned about the clean air legislation.

We, the Environment and Public Works Committee, reported out S. 1630 several weeks ago, and we also, for the last 3 weeks, have been negotiating with the administration on developing a substitute, which we think is a good compromise between those Senators who want the air to be so clean that other Senators will filibuster the bill, and the other Senators on the other side who want to weaken the bill so much that those Senators who support strong air legislation will

probably filibuster and, therefore, prevent the bill from becoming law or at least passing the Senate.

We have worked very long and hard trying to come up with what we think is a good compromise, one which will enable us to pass clean air legislation, rather than finding ourselves at a stalemate which means the current law stays in effect and no clean air legislation is passed.

We worked long and hard on the residual risk section of the bill. The residual risk section was probably debated more, discussed more, in our discussions with the five or six Republican Senators and five or six Democratic Senators, and representatives from the administration, more than any other section of the bill. I would say 30 to 40 percent of our discussions were on this very title, the air toxics, particularly residual risk section of the air toxics portion of the bill.

Because of those discussions, we have greatly modified the provisions as they were reported out of the full committee.

The residual risk section of the air toxics title as reported out of the full committee essentially stated that after a plant enacted maximum achievable control technology, which by the way would account for at least 90 percent reduction of air toxics that would be emitted from plants, and after installation of that technology, if there was a residual risk of cancer, then a plant would have to begin to install technology which would reduce the risk down to 1 to 10 to the minus 6, or eventually if it could not do that, at least down to 1 to 10 to the minus 4, which is 1 out of 10,000.

That is, if after installing technology, a plant would still allow a theoretical person, the maximum exposed individual standing next to the plant, 1/10,000th chance of cancer, then the plant would have to shut down.

We in the committee bill provided that that could not occur at the earliest for at least 15 years, and many years beyond that, because of the schedule of categories of technologies to be put in place, depending upon the sources that would emit certain toxic chemicals. We felt that we were very fair, and not only that a plant could continually apply for extension that could not meet the 10 to the minus 6, that is 1 of 1 million and also get a 5-year extension if it could not meet the 1 in 10,000, the theoretical man standing next to the plant would be exposed. That was the committee bill.

When we started to discuss this section of the discussions, we realized that that was a little too theoretical. That is, it probably made more sense for us to apply that standard, 1 out of 10,000, to an actual person at the plant site; not the theoretical person, but the actual person. So we moved in our discussions away from the theoretical person to the actual person; that is, who is this actual person standing near the plant? How exposed would that actual person be?

In addition, we should probably make this site-specific. There are some plants where air currents are predominant in one direction; other plants where they are not predominant. There are some plants which are located in populous areas; there are other plants which are located in unpopulous areas. We should be more site-specific. That is, what as a practical matter would the cancer risk be to an actual person standing near an actual particular site? That seemed to make more sense. So we moved in that direction, and we adopted that change in our discussions.

We even went further than that and began to ask who is this person standing near the site? Is it a person who in fact lives there 70 years, which is the theoretical maximum exposed individual standard, or do most people not live 70 years in the same home; do people move sometimes? We tried to take account of that the best we can.

So we modified the standard so that EPA would determine what are the population trends in this community; do the people tend to stay, tend to move? Let us be more actual, as best we possibly can; nothing too theoretical about this. So we adopted that standard as well.

Mr. President, we went beyond that. Some Senators in these negotiations thought maybe this actual man residual risk standard is too theoretical still because in environmental law there are some areas where we pose residual risk methodology. We do it in Superfund cleanup and other areas where we do not have residual risk methodoly.

It is not time tested enough to really know. So we further modify the committee report. We provided that once this law is enacted, the National Academy of Sciences, probably the best outfit around, good scientists, good men and women who are highly qualified, should study this standard. Does it make sense, and what recommendations, what changes would they suggest?

To make sure the scientists are not too theoretical, we also set up a commission, that is the National Academy, since I think in the bill after 18 months they must submit a report to the commission we set up so the commission can review this. So the commission then, I think it is up to 3 or 4 years finally—we have a deadline date in the substitute—would report back to the Congress if they thought that there was a better way to be doing this, a fairer way or a more practical way of doing this other than the actual man, site-specific provisions we have in the bill.

And by the way, we also provided that Congress must vote on this alternative that the commission may or may not recommend to the Congress; that is, we provided that for expedited procedural basis under which the Congress, the Senate in particular, would have to vote; that is, the motion to proceed could not be filibustered, and I frankly believe we went even further than that, but I have to check that point.

But the main point is this: We greatly modified the committee bill's provision with respect to residual risk in a way which I think is very practical and sensible. I think when Senators focus on the modifications, they will realize just how practical and what common sense we have enacted in this bill.

Why do I go to such lengths to explain this? Simply, it is this. The amendment by the Senator from Idaho does not contemplate these changes. The amendment of the Senator from Idaho as it is written seems not to take these changes into consideration. The amendment seems to apply that the theoretical man who would be exposed as the standard, not to the site-specific actual person as the standard. That is one major problem with this amendment.

In addition, the amendment seems to say that a referendum would be held when a plant is put in jeopardy because of permits or fees or fines that may result; just put in jeopardy, not an actual shutdown.

So what I am saying, Mr. President, is that this amendment is a dealbreaker. It goes against the very heart of the residual risk compromise that the Republican Senators and Democratic Senators and the administration agreed to in these last several weeks of negotiations and discussions.

It goes against the agreement, as I said, because, first, the amendment seems not to understand or take into consideration the changes that have been made; that is, the amendment is inaccurate on its face as to formulation.

Second, it adds additional hurdles, additional provisions, additional complications that were not part of the agreement.

So I must say, Mr. President, that I fully understand the concerns of the Senator from Idaho, but this is an amendment which must be opposed and opposed strenuously, and it is opposed by Republican and Democratic Senators, the leadership of the Senate, by the manager and ranking member of the committee, because it is contrary and against the agreement.

There will be other amendments, Mr. President, that other Senators will offer which will go in another direction, which will go toward trying to strengthen environmental controls.

This amendment goes in the opposite direction, tries to weaken the bill.

Mr. President, I stand here forthrightly to say that just as I am very strongly opposing this amendment which weakens the bill from an environmental point of view, I will also strongly oppose those amendments which are strengthening amendments from the environmental point of view which go against the thrust and basic heart of the agreement that we all agreed to.

I frankly would vote differently on some of these amendments if it were not for this agreement. Each Senator would vote differently on different amendments, that is, Senators who are not part of the agreement. If we are going to pass a bill here, pass a clean air act, enact clean air legislation that this country very much wants, we have to compromise and reach agreements.

This amendment is against the compromise, against the agreements, and therefore is an amendment which should not pass and it should be resoundedly defeated.

At the appropriate time, Mr. President——

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. BAUCUS. I am happy to yield for a question.

Mr. WARNER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WARNER. As to the pending nomination of a constituent of mine, Clarence Thomas, at this time I think perhaps the Senator from Missouri wishes to address the Senate.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. BAUCUS. I am happy to yield the floor in a minute.

Mr. WARNER. I am just inquiring as to what the plans are.

Mr. BAUCUS. I inform the Senator from Virginia that the pending amendment is the Symms amendment. Senator SYMMS has indicated that he does not want a vote on his amendment until after the conferences, the Republican conference and the Democratic conference this noon.

After those conferences, then he will be in a position to indicate what time he would be agreeable to a vote on his amendment.

Mr. President, to repeat my basic point, the Symms amendment should be opposed because it is contrary to the compromise agreement the leadership and the chairman and ranking member of the Environment and Public Works Committee have worked out.

I yield the floor.

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

Mr. LIEBERMAN. Mr. President, I rise to join the distinguished senior Senator from Montana in opposing the amendment proposed by Senator SYMMS. He has referred to it as a bill breaker. I would add, it is a mischief maker. It is intended to upset and create mischief in the basic approach that this bill takes to regulating air toxics, chemicals that have been determined to be hazardous to our health, that are emitted into the air.

Mr. President, when we talk about this and other sections of the clean air bill, I think it is important to come back to the base and declare that what we are dealing with here is public health.

This Clean Air Act is not before the Senate today because somebody thought it would just be a good idea for the sake of having legislation before us. It responds to a proven objectively determined public health crisis in this country. People are getting sick and dying prematurely as a result of toxic material in the air.

Toxic air pollutants themselves take an annual toll in thousands of cases of cancer, acute illness, and chronic disease. EPA, in fact, has concluded that there are 200,000 people who are alive today who will get cancer because of air toxic emissions. And here I am talking just about the section of the bill the Senator from Idaho would deal with in this amendment, not ozone, not carbon monoxide, not acid rain, not any of a host of other air pollutants, but just the air toxics dealt with in this section of the bill.

The risk from these are particularly high for those living in urban areas, where one excess cancer death for every 1,000 people is not unusual.

Toxic emissions also can cause serious illness besides cancer, including birth defects, damage to the brain and nervous system, reproductive disorders, and genetic mutations.

Senator SYMMS is concerned about the so-called residual risk section of this part of the bill. Senator BAUCUS has quite ably and eloquently described the first phase of cleanup under this bill.

Then what happens if companies use the maximum available control technology and still cannot meet the safety, public health standard in the bill? There is a possibility, and it is a remote possibility, that some of them will be forced to consider closing.

I have two things to say about that, Mr. President. One is that we are talking about events that will not, under the terms of this bill, occur before 15 years from now and in some cases not before 23 years from now. This is a time during which we hope the technology in this area will have improved so not one, no firm will have to think about closing its plant to satisfy and meet the health needs of people who live near that plant.

The CRS recently did a review of the various cost estimates of implementing this bill. In considering the cost estimate that the administration and others have attached to the original air toxics section of Senate bill 1630, the original committee bill, the CRS warned that there was a substantial overestimate. They said approximately $6 billion, which resulted from the fact that the administration was concluding that any plant that had a problem meeting the so-called residual risk standard of the air toxic section of this bill would close. Whereas, CRS quite sensibly said that the probability is that in 15 or 23 years from now, technology will come along that will allow those plants to remain open and meet those standards.

Senator SYMMS wants to give the residents of the community in which these plants are located the opportunity to vote if we come to what I believe will be the extreme exception, a plant that actually has to think about closing.

The truth is the voices of those who live in the communities where toxic air pollutants take such an annual toll have actually already been heard. I was particularly struck by a description of life in an industrialized area of the Appalachian Mountains, which appeared in the Washington Post last spring. In a region surrounded by large chemical companies, the air is so polluted that screens rust out, paint peels off of cars, and gardens literally wilt. The lung cancer death rate is twice the national average.

One resident described the situation this way:

> With what we breathe, what would it hurt to smoke. You wake up with a headache. You get up and start in coughing and, hopefully, your sinuses will clear. You have laryngitis, and you just ache all over.

This next line, Mr. President, is one that sticks with me as we go through this debate. I hope it will go through others. The man in the Applachian Mountains said:

"The only thing free in this world, they ruined," and that is "the air."

That is what this bill and this particular section is all about, to protect people like this who, through no choice of their own, are affected by toxic emissions from plants.

Members of the Senate have also heard loudly and clearly from the unions who represent those people living in the community and working in these very factories. The International Chemical Workers Union, United Rubber, Cork, Linoleum and Plastic Workers of America, United Steelworkers of America, the Oil, Chemical, and Atomic Workers International Union, all have written to Members of the Senate in support of strong air toxic legislation.

The reason is clear. As they say in their letter:

The dangers from these pollutants fall hardest on the working men and women who are doubly exposed from working in major industrial facilities and living in the surrounding communities, and on their families and on those communities.

As representatives of working men and women and their families, our unions. * * * ask you to reject any effort to eliminate, delay or cripple the vital health protection provisions of this bill.

The United Steelworkers, including the elected district directors of the steelworkers living and working in the areas producing the worst pollution, also sent their own letter to each Member of Congress in which they stated:

As elected union representatives we do not view the air toxics section as a job loss or shutdown provision—

Contrary to what has been suggested here on the floor today.

Actually, we are concerned about the continuing risk of life loss for workers and community residents.

These are the people who face the risks of cancer from air toxics. This one plant in Texas, where 3 out of every 10 people exposed to the emission may be expected to get cancer. A risk of 2 in 100 is not uncommon near other plants. One-quarter of all plants inspected by EPA have risks exceeding 1 in 10,000 for persons living nearest the plants.

That is the way in which those who live around these plants have already spoken.

It is unfair to ask the citizens of a community to choose between their jobs and their lives. It is not only unfair, it is not sensible, because we are dealing here with highly technical questions which ought not to be decided in a ballot box. I actually believe that any referendum that was held in a community around a toxic emitting plant would say, "If necessary to protect our health, close the plant." But why create the opportunity for that kind of politicking, expenditure of large sums of money, by a plant wanting to stay open when we are dealing with public health?

There is another problem that comes from this. Let us say in a certain situation the residents of a community voted to allow a plant to stay open, even though it was emitting toxic chemicals beyond the acceptable limit. What about communities outside of that community? It is not possible to put a bubble over a given community with a toxic emitting plant and limit the emissions to that community. The wind will take those emissions and carry them. We know that one of the reasons why some of the Great Lakes have been so seriously polluted is the result of chemical poisons that have come out of plants, not adjacent to the lakes, that have spilled into the lakes.

The amendment, as drafted, as Senator BAUCUS pointed out, finally, I say here, not only deals with the case of closing of the plants, but because it is so generally worded would suggest that in any case where the EPA chose to act against the plant by fees, by permits, by failure of the plant to act according to its permit and punishment that would follow, that decision—not just the decision to close the plant—might well have to be subjected to a referendum.

And that is why I say that this amendment is not only wrong as a matter of policy, but it is literally a mischief maker, and it ought to be rejected.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

EXECUTIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 603, Clarence Thomas to be U.S. circuit judge for the District of Columbia. I further ask unanimous consent that any statements appear in the Record as if read.

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

NOMINATION OF CLARENCE THOMAS OF VIRGINIA TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Clarence Thomas of Virginia to be U.S. circuit judge for the District of Columbia Circuit.

STATEMENT ON NOMINATION OF CLARENCE THOMAS

Mr. DOLE. Mr. President, I rise today to express my strong support for the nomination of Clarence Thomas to fill the current vacancy on the D.C. Circuit Court of Appeals.

I must say that supporting the Thomas nomination is very easy for me. It is very easy to support someone whose background and experience represent a life rich with personal and professional accomplishment.

Born in rural Georgia, raised by his grandfather, victimized by racial discrimination and racial stereotyping, Clarence Thomas has managed to climb out of poverty, and rise to great heights at Holy Cross College, at Yale Law School, as an Assistant Attorney General in Missouri, as a legislative assistant to Senator JOHN DANFORTH and, most recently, as Chairman of the equal employment opportunity Commission—disproving the naysayers each step of the way, and proving to the world that skin color is irrelevant when it comes to uncommon intelligence and personal character.

Most importantly, Clarence Thomas has risen to the many challenges that life has offered him. And he has done so without complaint and with much distinction.

Mr. President, I have no doubt that Clarence Thomas will be an outstanding member of the federal bench. I have no doubt that he will rise to the challenges that accompany membership on the "second highest court in the land"—the D.C. Circuit Court of Appeals. And I have no doubt that Clarence Thomas will continue to be a great source of pride not just for black Americans, but for all Americans.

As a result, I commend President Bush for his nomination of Clarence Thomas. And I urge all of my colleagues in the Senate to vote for confirmation.

STATEMENT ON THE NOMINATION OF CLARENCE THOMAS

Mr. WARNER. Mr. President, today I am pleased to support the nomination of my fellow Virginian Clarence Thomas who has been nominated by President George Bush to be U.S. Circuit Judge for the District of Columbia Circuit.

Currently Mr. Thomas is the Chairman of the U.S. Equal Employment Opportunity Commission having been nominated to the post by President Ronald Regan.

Let me briefly describe the background of Clarence Thomas because it is a unique and interesting story indeed. Clarence Thomas was born on June 23, 1948 outside of Savannah, GA. He was raised in a very modest environment. The world of Clarence's youth was the world of segregation. In 1955 Clarence Thomas went to live with his maternal grandparents who were honest, hardworking, and deeply religious people. They instilled in Clarence the drive to work hard and never to give up in pursuit of certain goals in his life.

Through hard work and determination, Clarence Thomas was able to enroll in college and graduated from Holy Cross in Worcester, MA, with honors in 1971. From 1971-74 Clarence Thomas attended Yale Law School and after graduation went on to work in the State of Missouri. In fact one of our colleagues, Senator JOHN C. DANFORTH, offered Clarence a job as an assistant attorney general when he was the attorney general of Missouri. Clarence Thomas served as an assistant attorney general for 3 years before he moved on to work in the law department of Monsanto Co. from 1977 to 1979. By August 1979 Clarence Thomas moved to Washington, DC to work for Senator JOHN C. DANFORTH as a legislative assistant. In the spring of 1981 he was nominated by President

Reagan as the Assistant Secretary for Civil Rights in the U.S. Department of Education.

In 1982 Clarence Thomas was nominated by President Reagan to become Chairman of the Equal Employment Opportunity Commission. He was renominated and reconfirmed as Chairman again in 1986.

Having been Chairman of the Equal Employment Opportunity Commission for more than 7 years, he has served longer in that position than any of his predecessors. As the Chairman of the Equal Employment Opportunity Commission, Clarence Thomas implemented a qualitative shift in enforcement philosophy away from the quick settlement approach to a focus on full investigation and litigation of claims on the merits. He has emphasized obtaining the maximum remedies for the victim of discrimination, rather than the minimum remedies. His record at the Equal Employment Opportunity Commission has shown increases in enforcement actions, as well as the level of damages collected. The number of cases actually taken to court have also increased from the level under the previous administration.

Clarence Thomas is married to the former Virginia Bess Lamp, and he has one son Jamal who is a high school student.

Mr. President, Clarence Thomas has the education, experience, and temperament to be an outstanding Federal judge, and I am pleased to support his nomination to the U.S. Circuit Court for the District of Columbia.

Clarence Thomas met with me to discuss his appearance before the Senate Judiciary Committee. He receives my strongest support and I explained that I would not be able to introduce him as I would be traveling in Virginia on that day.

Mr. President, I am very hopeful that Mr. Thomas will have a most successful career as a member of the Federal Judiciary.

Mr. THURMOND. Mr. President, I would like to address the comments made yesterday during the floor debate on the nomination of Clarence Thomas for the position of U.S. appeals court judge for the District of Columbia Circuit. During the debate, the distinguished Senator from Arkansas stated that approximately 13,000 age discrimination charges lapsed during Mr. Thomas' tenure with the Equal Employment Opportunity Commission. I would like to briefly respond and correct the record on that point.

Mr. Thomas discovered in December 1987, and publicly announced that a certain number of age discrimination in employment act charges had exceeded the statute of limitations. Under the Age Discrimination Claims Assistance Act, which extended the statute of limitations to individuals who may have lost their rights, the EEOC was required to count and report the number of people covered under this act to the Senate labor and aging committees. The 1988 EEOC research found in 1989, that a total number of 4,377 individuals covered by ADCAA had their charges lapse. This number is not anywhere close to the 13,000 as reported yesterday. Of the 4,377 claimants, 2,292 individuals filed charges with the EEOC, and 2,085 filed charges with the State fair employment practices agencies between January 1, 1984, and April 7, 1988. When legislation was introduced to insure that those whose charges lapsed had their rights restored, Chairman Thomas strongly supported it and took steps to correct the situation.

Mr. President, I believe these numbers outline the lapsed charges which were filed with the EEOC and fair employment practices agencies, prior to the passage of ADCAA, and clarifies any misunderstanding concerning this issue.

Mr. BOND. Mr. President, it is my great pleasure to rise today in support of Clarence Thomas to be a judge on the U.S. Court of Appeal for the District of Columbia Circuit. Unfortunately, I was unable to be present during yesterday's debate on the nomination. I wish however, to add my voice to the ranks of those who will vote in support of this nomination today.

Clarence Thomas is an American success story. We all have been impressed by the stories of his tremendous rise from poverty and racism in the South through his years at Holy Cross College and Yale Law School and from there to a successful career as an attorney and Government official. It is truly an impressive success.

We also have heard many people talk of Mr. Thomas' outstanding qualifications for this position—his strength of character, his understanding of many of the issues before the court, and his skill as a lawyer.

Mr. President, we have heard my senior colleague from the State of Missouri talk of his support for Clarence Thomas, and particularly of the fine work that Mr. Thomas did in the Missouri Attorney General's office. I too had the honor to serve as an assistant attorney general under Jack Danforth, and I can say from personal experience that there was no better place to learn the law, and there was no better place quickly to gain a broad range of experience.

Clarence Thomas clearly deserves to be confirmed for this important position, and I have no doubt that he will be. I urge all of my colleagues to lend their support to his nomination, and I wish Mr. Thomas success as he takes on this new challenge.

I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Clarence Thomas of Virginia to be U.S. circuit judge for the District of Columbia circuit?

So the nomination was confirmed.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that the RECORD reflect the Senator from Virginia [Mr. WARNER] was present at the voice vote and voted "aye."

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

Mr. METZENBAUM. Mr. President, I ask unanimous consent the RECORD reflect Senators METZENBAUM and PRYOR were here and voted in the negative.

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

Mr. MITCHELL. Mr. President, I ask unanimous consent that the President be immediately notified of the Senate's action and that the Senate return to legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, I am about to ask unanimous consent that the Senate stand in recess until 2:15 p.m., unless there is any other Senator present wishing to address the Senate. I see the distinguished Senator from Montana, the manager of the clean air bill, wants to address the floor, so I will yield the floor.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senators EXON, MCCAIN, and FOWLER be added as cosponsors to the Mitchell-Dole substitute.

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

RECESS UNTIL 2:15 P.M.

Mr. MITCHELL. Mr. President, if no other Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess until 2:15 p.m.

There being no objection, at 12:32 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. HEINZ. Mr. President, what is the regular order at this time?

The PRESIDING OFFICER. The pending business is amendment 1295 to amendment 1293.

Mr. HEINZ. Mr. President, I ask unanimous consent I may be allowed to speak for no more than 5 minutes as if in morning business.

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

FOREIGN AGENTS REGISTRATION ACT

Mr. HEINZ. Mr. President, I am pleased to note today the Senator from Michigan [Mr. RIEGLE], the Senator from Utah [Mr. GARN], and the Senator from North Carolina [Mr. HELMS] have joined in sponsoring S. 176. Mr. President, S. 176 is my bill to update the Foreign Agents Registration Act. The Senator from South Carolina [Mr. HOLLINGS] also joined as a cosponsor some time ago.

The growth in support for this bill reflects growing concern in our society over the nature and extent of foreign lobbying and the degree to which it influences the political process in ways which might not be in our interest. The growth of such lobbying—and we all know what I am talking about—which matches the growth of foreign economic activity in the United States, both in investment and in trade, has made it difficult to determine the true antecedent of Pogo's famous comment, which we all recollect, "We have met the enemy, and he is us." These days, it is hard to tell who "us" really is, a fact recently discussed in some detail from an economic perspective by Robert Reich in the Harvard Business Review.

Nevertheless, while it may be difficult to determine who "us" is, I remain convinced that there is an "us" and a "them," and that it is in the public interest to try to determine and disclose which is which.

That is not to say, and I do not want anyone to misunderstand me, that representatives of foreign companies are the enemy or that we should return to 1938 when the Foreign Agents Registration Act became law amongst widespread concern about Nazi activities here. That is not what I am saying.

S. 176 deals strictly with the disclosure of activities, the sun shining in on lobbying activities by people who are or are controlled by foreign nationals. It is not a regulatory bill, S. 176. It makes no attempt to constrain anyone's activities or freedom of speech on behalf of any party, foreign or domestic.

It is premised, however, on the belief that agents of foreign principals, whether they are American or not, are working for foreign interests which do not—indeed, they have no reason to—have our interests at the top of their lists of priorities. That does not mean foreign interests inevitably work against America. Far from it. I do not want anyone to take that implication away. Many of those interests are helpful, positive forces. But they have no obligation to be helpful or positive and cannot be faulted if at the end of the day they are not.

But they can be observed and their efforts noted and quantified. Doing so more effectively will give us a better picture of foreign activity in our economy and a better sense of foreign strategic priorities, both important results in what is, I think we would all admit, an increasingly contentious global trading environment.

Mr. President, that is why I introduced this bill some months ago. It is in one sense just a modest advance in the disclosure area, but modest or not it is why I do welcome these new sponsors and any additional new sponsors.

I hope my colleagues and their staffs who hear these brief remarks will express any interest they have either for more information or for cosponsorship. I do note that the Foreign Relations Committee plans a hearing on S. 176 later this month. I thank them for that hearing. I hope other Senators will examine the bill and indicate their support for it before that time.

I wish to add one thing. The heart of this legislation goes back to an experience that Senators GARN, SHELBY, myself, and others had during Toshiba, where, as we all know, there was the misappropriation of very sophisticated machine tool equipment to the Soviet Union at a time when we were totally against that.

And it created a diversion of technology. What we found was that not only was Toshiba of Japan lobbying here in the United States, and that was under the Foreign Agents Registration Act disclosed, but their American-owned subsidiaries—and there are lots of them—were lobbying at least as hard, if not harder, and purchasing services from a variety of firms here in town.

That is not illegal, but it was not required to be reported. And the premise above all of this legislation, S. 176, is that if you are working for a foreign owner—and no doubt about it, Toshiba of the United States is owned by Toshiba, domiciled in Japan—you should be considered as if you were working directly for the parent company. You should not be able to use the fact that you are working for an American subsidiary that is owned 51 percent someplace else as an excuse not to report.

Those people who disagree with the proposition of this bill, I think, have only one other consistent position to go to; that is, to repeal the entire Foreign Agents Act because that is what the philosophy of the underlying act is.

Frankly, I have not noticed a lineup of people saying it is time to repeal the Foreign Agents Registration Act. Therefore, I hope people will think about this issue and in its proper terms. We are not out to get anybody. We just want to know what is going on and be consistent with the original act and its original intent.

THE FOREIGN AGENTS REGISTRATION ACT OF 1938

Mr. HELMS. Mr. President, I am pleased to join Senator HEINZ as a cosponsor of S. 176, a bill intended to strengthen the Foreign Agents Registration Act.

Current law has several defects. First, those who act on behalf of a U.S. subsidiary of a foreign corporation do not have to register. Second, lawyers who act for foreign clients do not have to register if they are doing only legal work. Third, the schedule of registration is confusing and data is always out of date. Finally, while I would prefer criminal penalties, civil penalties are needed if there is to be any practical enforcement.

The bill is currently pending before the Senate Foreign Relations Committee, on which I serve. Hearings may be held this spring.

Under current law most of the people who represent foreign interests in Washington probably do not register. With the rash of foreign takeovers, it is very difficult to tell who is really speaking. Finally, it is particularly important that we know which of our formerly high officials now represent foreign interests.

COSPONSORSHIP OF S. 176 AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION ACT OF 1938

Mr. GARN. Mr. President, I rise today to cosponsor S. 176, the legislation introduced by Senator HEINZ to strengthen the Foreign Agents Registration Act of 1938. That law was first enacted to address concerns regarding undue foreign influence over U.S. policymaking in the years just prior to World War II. It requires that those representing foreign governments and foreign interests make known their affiliations in a timely and regular fashion. Its simple goal is to ensure that those who might be influenced know whose influence is being peddled.

While the history of the legislation demonstrates that foreign influence over U.S. policy has long been a concern in Washington, my attention to the problem was heightened by the massive lobbying effort directed at the so-called Toshiba sanctions amendment I proposed to the 1988 trade bill. This was the same event that triggered Senator HEINZ' concern and development of this legislation.

The Toshiba case involved the knowing transfer of advanced computer-controlled milling machinery to the

Soviet military by Toshiba Machine Corp. of Japan and the government-owned Kongsberg Trading Co. of Norway. This breach of multilateral trade rules gave our chief strategic adversary a quantum increase in strategic capability, a serious blow to our national security. In response, I proposed tough trade sanctions against Toshiba Corp. and Kongsberg Vaapenfabrik, the parent corporations, and their affiliates.

As I said many times during the trade bill debate, I have never seen heavier lobbying on any issue during my 15 years in the Senate than I saw during the long consideration of the Toshiba amendment in conference. The governments involved, both our own and those of Norway and Japan, opposed the amendment and lobbied heavily against it. What was more troubling, however, was the array of U.S. legal, political, and business talent recruited to the lobbying effort.

Former government officials, all manner of high-priced lawyers, officials of Japanese firms in the United States, management and workers from United States subsidiaries of Toshiba affiliates, representatives of United States firms with supply relationships or joint ventures with Toshiba—all joined the effort. Everyone had an interest in protecting the wrongdoers. No one seemed to have an interest in taking a stand for U.S. national security.

When Senator HEINZ attempted to identify the players and money spent in this effort, he found a few prominent names and large dollar amounts—Mudge, Rose, Guthrie, Alexander & Ferdon first among them with millions in billings. However, it quickly became clear that the reporting rules were so limited and haphazard that relatively few of those involved in this campaign had to register or properly identify themselves with the effort, and the data was so diffused that it was simply impossible to put together.

He then took the very commendable step of proposing changes to the law that I warmly applaud and join today. These changes will make the Foreign Agents Registration Act a more useful law at a time when it is vitally needed. We are not at the moment facing the Nazi challenge of 1938 or a serious breach of security like the Toshiba diversion. However, we do face important policy challenges that affect foreign interests and that they will want to influence.

Recent world political and economic developments have triggered reconsideration of our future national security requirements, of our export control system, of foreign aid priorities, and of the national security and economic security implications of current approaches to trade and investment policies. The Banking Committee is in the midst of hearings on export controls, the health of our defense industrial base, and the broad issue of fair trade in services—all issues that intermingle national security and economic concerns and that are likely to form the policy framework for U.S. competitiveness during the 1990's.

These may be the critical policy challenges of the next decade. They have a prominent international dimension and we must, of course, be mindful of their impact on friendly countries and international obligations. This requires foreign input. But first and foremost, we must resolve them in our national interest. That requires that we know and understand those influences that are domestic and speak for our constituents and those that speak for foreign parties.

The proposed amendments would improve the working of the foreign agents law by more broadly defining entities controlled by foreign interests, expanding coverage of legal counsel in trade cases, standardizing filing dates, and adding civil penalties to encourage compliance. These changes will ensure that we are aware of foreign influence in our policy process.

I was elected to represent the people of Utah and the United States. The least I can do is ensure that their views are fully represented and their needs effectively balanced against international interests that are clearly identified. I therefore join today with my Banking colleague Senator RIEGLE, and with Senator HELMS, in cosponsoring the Heinz bill and in urging its speedy passage.

A BILL TO AMEND THE FOREIGN AGENTS REGISTRATION ACT OF 1938

Mr. RIEGLE. Mr. President, I rise to salute Senator HEINZ for introducing S. 176, a bill which is designed to amend and strengthen the Foreign Agents Registration Act of 1938, and to request that I be added as a cosponsor of the bill.

The Foreign Agents Registration Act was enacted by Congress in 1938 primarily to deal with propaganda spread by Nazi agents operating in the United States. Its purpose was to help make Government officials and the public aware of the source and financial backing behind information being given to Government, Congress, and the public in order to influence their opinions.

Today, the basic challenges facing our country are economic ones. Yesterday the Office of Technology Assessment presented a report to the Banking Committee entitled "Making Things Better: Competing in Manufacturing." This report was completed in response to a 1986 request from Senators GARN, HEINZ, and PACKWOOD who asked OTA, among other things, to "undertake a study evaluating how stiffening international competition affects the health of American manufacturing." OTA states on page 1 of its report that "American manufacturing has never been in more trouble than it is today. Its biggest challenge if from Japan * * *." While noting that other nations are responding to the challenge from Japan as nations, the report states that our country is not because the American "government is dozing at the switch."

The OTA report only confirms what John Young of Hewlett Packard, the Chairman of President Reagan's Commission on Industrial Competitiveness, told the President in a 1985 report in which he warned that "America's ability to compete in world markets is eroding" and that such erosion must be arrested because "a strong industrial base is vital to our national security."

It is clear that our country must undertake a very serious debate about how we can ready ourselves to compete and meet the economic challenges that now confront us as a nation. The increasingly integrated nature of the world economy, along with America's large trade deficits, open markets, and open investment policy, have given foreign companies and interests a very large stake in our economy. These companies and interests have lobbyists to advance their views in our current economic debate, and such views may not always accord with our country's larger national interests. Our internal debate on what we must do to meet the new challenges can thus become skewed.

Senator HEINZ' bill begins the process of ensuring a fair debate by updating the Foreign Agents Registration Act to reflect the realities of the 1990's. Under current law foreign principals, who lobby our Government and put out information to influence the public debate, are required to register as foreign agents. Foreign principals are presently defined as "a government, political party, corporation, partnership, association or organization, or person domiciled outside the United States." Senator HEINZ' bill amends that definition to include domestic entities that are controlled by foreign principals even if they are organized and incorporated under U.S. law. The bill also standardizes filing dates for registering so that information about who has filed as a foreign agent is more easily accessible. It also provides civil, not just criminal, penalties for failing to comply with the law in order to give the Justice Department greater flexibility in enforcing the foreign agents law.

Our country faces very serious economic challenges. While I am not opposed to foreign interests having a voice in the debate about policies to meet those challenges, I do think we must ensure that our people and governmental officials know which views

are being advocated by foreign interests. I am pleased to cosponsor Senator HEINZ' bill.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senator continued with the consideration of the bill.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I believe I am correct that the pending business is the Symms amendment to the substitute offered by the majority leader.

The PRESIDING OFFICER. That is correct.

Mr. LAUTENBERG. There are no time restraints at this juncture?

The PRESIDING OFFICER. That is correct.

Mr. LAUTENBERG. Mr. President, I intend to speak to the underlying amendment and then specifically to the Symms amendment.

Mr. President, yesterday after a long and intense negotiation with the administration, we returned to the Clean Air Act. The majority leader filed a substitute that would amend the bill that we had approved by a vote of 15 to 1 in the Environment and Public Works Committee.

The substitute embodies the agreements reached in those talks with the administration.

I am a member of the Senate Environment Committee and was one of the authors of the Environment Committee clean air bill. I participated in those talks, and we faced the administration's opposition. We faced the threat of a filibuster.

The majority leader led us in good faith and with expert hands to get an agreement. No one worked harder or longer to get a new Clean Air Act to the floor of the Senate for over a decade than Senator GEORGE MITCHELL. He has done everything he could to see that the Congress address clean air issues. He has been the conscience of the Senate on acid rain. It is too bad that the administration did not share the same concern for clean air which GEORGE MITCHELL demonstrated.

The Senator from Montana [Mr. BAUCUS] has distinguished his effort by the vote for a cleaner environment. We have worked closely with him. He is a good friend. He has done, I would say, an outstanding job to fashion a bill that we discuss here today. Included, of course, were other members of the Environment Committee, like the Senator from Rhode Island, Mr. CHAFEE, and the Senator from Minnesota, Mr. DURENBERGER, who have all been committed allies in the fight for a tough bill. But I regret to say that after weeks of negotiation, weeks of sincere effort to compromise, I cannot support this substitute without trying to improve it.

The people of my State are choking on dirty air. They die from dirty air. They get sick from dirty air. This bill will not do enough to save them. It is as simple as that. For the health and safety of our people, the people of New Jersey and the people across the States and the Nation, we need a stronger bill. We face a public health crisis. Fifty thousand people die from dirty air. For the sake of our economy, yes, our economy, we need a stronger bill.

Opponents charge that a tough bill would be a burden on business but dirty air costs us $100 billion a year in health costs. Mr. President, who pays the $100 billion if not business? Business pays the taxes and the health insurance. Who pays for the lost productivity of sick workers? Who pays for the billions of dollars a year from crop losses?

During the 1988 Presidential campaign, President Bush came to my State, to New Jersey. He stood on our seashore and promised to clean up our environment. But during these negotiating sessions the President's people seem to focus on the costs of providing clean air, not the 100 billion dollars' worth of costs already burdening our Nation that we pay each year because of dirty air.

It takes more to be an environmental President than just to say that you are one. You cannot scrape by with a minimum effort. It takes strong resolve and resources to fulfill the commitment the President made to reduce cancer deaths by 75 percent.

Americans want cleaner air. They want us to pass a tough bill. They know that it is going to mean some changes in the way we do things. They know that it is going to mean adjustments. But they also know that we Americans have the capacity and the talent to meet the challenge.

We passed clean air bills before in 1970, in 1977. But the result is that today the air is still filthy. We have learned a lesson. And if we do not write into the Clean Air Act now the tools we need, the forecast is simple: our air will continue to get dirty.

Is a clean air compromise an improvement of current law? Of course. But does it give us all the tools we need? I do not think so. It fails to require the tightest controls on autos which account for 50 percent of the Nation's smog forming hydrocarbons. It fails to require EPA to comprehensively reduce air toxics, pollutants that are poisonous from cars, trucks, and buses which account for 56 percent of the cancer deaths from air toxics. And it does not require the control of smaller, stationary sources of smog-forming compounds which contribute 45 percent of the Nation's inventory of these pollutants.

This is a particular problem in New Jersey. My State controls most of these sources. But it receives ozone pollution from small sources in upwind States.

The entire State of New Jersey is an ozone nonattainment area. That means the air in the State threatens the health of our citizens.

In 1988 in New Jersey, the ozone health standard was violated 45 days, the highest number of violations in 5 years, with levels over 66 percent higher than the ozone standard.

New Jersey would be in noncompliance even if all emissions in the State were eliminated because of ozone transported from areas upwind of New Jersey.

Northern New Jersey has levels of carbon monoxide, which is poisonous to humans, exceeding the existing health standard by over 50 percent.

And New Jersey is second among the States in pounds of air toxics released per square mile. Many of these toxics cause cancer and other serious health effects.

New Jersey faces a tough task, to reduce air toxics, and to reach attainment of clean air standards. But, New Jersey is not alone. The problems of nonattainment and air toxics are duplicated across our Nation.

And despite strengthening the law in some respects, the substitute weakens it in others. It weakens the health standard in exiting law to protect our citizens from air toxics.

It abandons a key provision in the Clean Air Act that requires the Federal Government to act as the final guarantor of clean air. Under current law, when a State has not produced or implemented an acceptable air quality plan, the EPA steps in by issuing its own plan. While EPA has seldom had to issue these plans, the threat of EPA acting has prompted States to take actions on their own.

Finally, the agreement abandons current law requiring cities to continue to make annual pollution reductions to keep them on schedule toward attainment of standards. Under the agreement, areas could stop making pollution reductions if the cost of control is deemed too high.

Over the next few days, a number of Senators who agree that we can and must do better will be offering amendments to strengthen the agreement. The health of our citizens and the quality of our environment are at stake.

Mr. President, having noted where the compromise falls short, I do not want to ignore areas where the agreement improves existing law in some areas. In many important areas, the committee's work was preserved.

In particular, in the area of air toxics which I have been so involved

in, the substitute makes significant improvements over existing law.

Yes, it establishes an ambitious schedule to require industrial facilities to install the maximum achievable control technology. EPA has failed to use existing law to require controls on most of these facilities.

And yes, it requires that emissions limitations protect the environment. And it would require EPA to establish a program to monitor atmospheric deposition of toxics into the Great Lakes and, of particular concern to my State, into coastal waters.

But, the agreement exempts mobile sources of air toxics—and that is the cause of more than half the problem. The agreement weakens the health standard we already have in the law. And it lets industry turn communities into no-man's-lands, by buying out homes, rather than reducing pollution.

The agreement encourages facilities to begin making those reductions now. Facilities which achieve 90 percent reduction in emissions would be exempt from the technology requirements. This provides an incentive for facilities to reduce their emissions now rather than wait for EPA to establish the technology standard before acting. I particularly want to commend Senator KOHL and Senator SANFORD for raising with me a number of concerns and about the early reduction program. As a result of their efforts, we will have a more useful and fairer early reduction program.

Mr. President, during the committee consideration of the air toxics bill, I offered an amendment which was adopted to change the definition of "new source." As introduced, the legislation would have included in the definition of "new source" those existing sources that are modified subsequent to proposal of an applicable standard. My amendment deleted "modifications" from the definition, defining "new sources" to mean facilities that are "constructed" or "reconstructed" subsequent to proposal of an applicable regulation.

As defined for purposes of section 111 of the Clean Air Act, "modifications" include not only physical changes to an existing source, but also changes in the method of a source's operations. By limiting the definition of new sources in section 112 to those that are constructed or reconstructed, I intended that process changes in an existing source will not trigger the requirements applicable to "new sources," and that only actual physical changes will bring a source within the definition of "new" source.

With respect to what constitutes "reconstruction" under section 112, my amendment's intent was that only significant physical changes to a facility should satisfy the definition. In particular, the test for defining "reconstruction" under section 112 should be the same as that currently found in EPA's regulations implementing the new source performance standards program. In those regulations, EPA has adopted an economic analysis.

Defining reconstruction in this manner will assure that facility operators who make significant changes to existing sources will be treated as new sources, while at the same time allowing operators of existing sources the flexibility they need to make modest changes in a physical plant without having to undergo permit applications and review procedures.

The agreement largely preserves the program to reduce the threat of chemical accidents. It creates an independent chemical safety board, like the National Transportation Safety Board, to ensure that chemical accidents will be subject to thorough investigations.

Companies using more than threshold amounts of certain acutely hazardous substances would have to prepare hazard assessments. And EPA is given authority to promulgate accident prevention regulations.

The agreement preserves a program to achieve significant reductions in emissions of sulfur dioxide and nitrogen oxides.

While the agreement would preserve some measures designed to reduce levels of ozone and carbon monoxide pollution, it does not go far enough to protect the public health. Half of our population lives in areas in which the air is not safe to breathe.

Yes, the bill includes a program to regulate pollutants transported from upwind States. Attainment areas within the Northeast Transport Region would be required to adopt reasonably available and cost-effective controls. But, the bill then lets small polluters continue to pollute in other States, while they are controlled in my State. The bill takes away the threat of federally imposed clean air plans, if a State fails to act.

Mr. President, we need all the tools to fight clean air. The agreement gives us nails, but not the hammer.

In sum, Mr. President, the substitute is a step forward, but does not go far enough. The agreement fails to require all of the controls we need to provide clean air in the Nation and in New Jersey.

Twenty years ago when the Congress passed the National Environmental Policy Act, we declared that every citizen should have a right to a healthful environment.

I urge Members to join with us so that we can redeem that promise we made to the American people.

Mr. President, I ask unanimous consent that a letter from Governor Florio, and a letter from State and local air pollution regulators, and their recommendations for improvements in the bill be printed in the RECORD.

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

STATE OF NEW JERSEY,
OFFICE OF THE GOVERNOR,
Trenton, March 5, 1990.

Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR MITCHELL: The health of millions of Americans and the future of our environment hang in the balance as the Congress considers changes to the Clean Air Act. As a Congressman I had the pleasure of working with you to enact strong environmental laws to protect our health, environment, and natural resources. I admire your strength and perseverance and now that I am no longer in Congress, I rely even more on your efforts.

While I understand the difficulty of reconciling the various proposals to amend the Clean Air Act, I have several concerns about the Clean Air package that the Senate will consider. The package will hamper New Jersey's ability to improve our air quality. Without strict federal standards, the temptation could exist for some states to keep standards low in hopes of attracting business. This kind of competition between the states would penalize states with proper standards and would lead to dirtier air for all the states.

First, the package weakens the definition of a "major source"' to be regulated to one that emits 100 tons or more per year. New Jersey currently regulates sources that emit 25 tons or more per year and our state Right-to-Know law has demonstrated that emissions from smaller commercial and industrial operations are one of the largest source categories of pollution. This change in the federal definition will exempt facilities that are significant polluters and will put New Jersey and other states that regulate smaller sources at a serious economic disadvantage.

Second, a change in the definition of a non-attainment area to include only urban areas will make it very difficult to impose controls on suburbs and outlying areas. Suburbs and outlying areas make a significant contribution to the air quality problems of non-attainment areas and should be subject to controls.

Third, allowing industry to obtain a waiver of the percent-reduction agreement if the controls are considered "costly" would set back progress in emissions control. We need the latitude to impose controls that can have a significant impact on improving air quality.

Eight Northeastern states, including New Jersey, recently agreed to seek strict California emission controls for motor vehicles in our states. It is important that we have the flexibility to impose these strong controls. Since air pollution travels beyond state boundaries, the federal Clean Air Act should impose strong Phase II emission controls nationwide and clean fueled vehicles in severe and serious non-attainment areas.

And we can go even further to reduce car emissions. The bill no longer requires car manufacturers to produce alternative-fuel cars. Fuels like ethanol, methanol, and compressed natural gas burn much more cleanly than gasoline. We should encourage the development of the technology necessary for such fuels.

The package dilutes the provision of the current Clean Air Act which requires that Federal Implementation Plans be imposed

on states that fail to comply with the requirements of the law. It is essential that the bill spell out clearly and definitively what the consequences of non-compliance will be. There must be an assurance that swift and certain federal action awaits areas that do not adequately address air problems.

The package seriously weakens the strong air toxics language in the original Senate bill. The package abandons the goal of regulating pollutants that pose a 1 in 1,000,000 risk and instead leaves the standard-setting process to future action by Congress, on the recommendations of a "Blue Ribbon" panel. Should there be no Congressional action, the standard would be set at 1 in 10,000. And I am troubled that risk would be determined on a lower basis than the traditional 70 year exposure standard.

New Jersey has made significant progress in addressing air pollution problems. We must be able to continue to move forward to improve our air quality. The states must be given effective tools to make necessary reductions, and all the states must bear the burden for reducing air pollution.

I am hopeful that the Senate will be able to address some of these concerns in its consideration of the Clean Air Act Amendments. I urge you to insist on tough, fair standards that will lead to cleaner air in New Jersey and throughout the nation.

Sincerely,

JIM FLORIO,
Governor.

STAPPA/ALAPCO,
Washington, DC, March 5, 1990.

Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR MITCHELL: We write to you today on behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO)—the two national associations representing the air pollution control agencies in the 54 states and territorties and over 165 major metropolitan areas across the country—to express our serious concerns with the Administration-Bipartisan Senate Clean Air Act Agreement announced on Thursday, March 1, 1990.

STAPPA and ALAPCO firmly believe that the compromises outlined in the agreement represent a significant weakening to the provisions contained in S. 1630 as reported by the Senate Committee on Environment and Public Works and, in some cases, represent a weakening to existing law. Moreover, as the state and local officials who hold primary responsibility for implementing our nation's air pollution control laws and regulations, we are troubled by the fact that this agreement will make it difficult for us to expenditiously attain and maintain the health-based air quality standards nationwide. If we are to be successful in providing our citizen's with healthful air, we must have strong regulatory tools with which to work; this agreement falls short in providing us with those tools.

The following issues are among those considered by STAPPA and ALAPCO to pose the most significant obstacles to efforts to ensure clean air.

With respect to nonattainment, we are concerned that the proposal does not mandate comprehensive Federal Implementation Plans that demonstrate attainment of the air quality standards in areas that inadequately address air pollution problems; allows new sources emitting less than 100 tons per year to escape control and offset requirements, in that these sources represent a significant portion of the stationary source volatile organic compound emissions inventory; and permits states to obtain a waiver of the percent-reduction requirement after six years if they can demonstrate that it is too costly to achieve reductions.

Emissions from mobile sources are responsible for approximately one-half of the volatile organic compound and nitrogen oxides inventories and 90 percent of the carbon monoxide inventory. Given that mobile source emissions are expected to increase later in this decade, it is imperative that Clean Air Act amendments include a stringent motor vehicle control program capable of achieving both short- and long-term emission reduction. Unfortunately, STAPPA and ALAPCO find the mobile source provisions of the agreement to be inadequate. First, the agreement not only postpones implementation of the first phase of tailpipe standards by phasing them in over a three-year period, but also relaxes the in-use performance requirements for motor vehicles by 25 percent after a vehicle has operated for 50,000 miles. Second, national implementation of a second phase of tailpipe standards—a key facet in a successful mobile source control program—is contingent upon an inappropriate set of circumstances and could likely never be required. As a result, millions of our citizens may never enjoy the benefits of cleaner cars and may be exposed unnecessarily to unhealthy air. Finally, carbon dioxide control standards that were appropriately included in S. 1630 have been eliminated by the agreement.

The clean fuels program established by the agreement is markedly weaker than the laudable program established in the President's original clean air proposal. Instead of establishing a standard that would encourage the development of substantially cleaner vehicles and fuels, the agreement sets an unambitious performance standard that, while applicable to all vehicles, will not result in the per-car emission reductions necessary for long-term air quality improvements.

The agreement's provisions related to the control of toxic air pollutants also raise several concerns. The assurance of an acceptable statutory "brightline" or benchmark (identified in S. 1630 as a goal of one-in-one-million) against which residual risk is to be evaluated has been seriously weakened; the agreement specifies no minimum standard for protecting public health other than a default provision, to take effect in the event that Congress fails to act. In addition, the agreement is weaker than current law in that it bases residual risk on the most exposed actual person, rather than on the risk that exists at the fenceline of a source's property, and calculates this risk based upon an exposure period of less than 24 hours a day for 70 years. The agreement also allows sources to escape requirements to reduce risk by purchasing the property of people living near a plant. Finally, in spite of the significant contribution of mobile sources to levels of air toxics, the provisions of the agreement addressing this issue have been seriously weakened.

STAPPA and ALAPCO have been consistently impressed by the dedication and commitment of those of you who have defended the Clean Air Act and authored progressive clean air legislation over the past few years and believe that many of the proposals offered viable strategies for addressing a pervasive and urgent problem. When S. 1630—the product of substantial debate and compromise—reached the floor of the Senate, we were most optimistic that a tough but fair law was on the horizon. However, we believe the Administration-Bipartisan Senate Clean Air Act Agreement will impede state and local efforts to realize the health-based air quality standards. Senator Mitchell, we encourage you to support amendments that will restore critical provisions of existing law and important features of S. 1630.

Sincerely,

BRADLEY J. BECKHAM,
STAPPA President.
JAMES M. LENTS,
ALAPCO President.

RECOMMENDATIONS OF THE STATE AND TERRITORIAL AIR POLLUTION PROGRAM ADMINISTRATORS AND THE ASSOCIATION OF LOCAL AIR POLLUTION CONTROL OFFICIALS ON THE ADMINISTRATION-BIPARTISAN SENATE CLEAN AIR ACT AGREEMENT, MARCH 5, 1990

FEDERAL IMPLEMENTATION PLANS

Administration-Senate Agreement

EPA is required to impose one additional control measure each year that a state fails to develop an approvable plan.

Recommendation

Retain the provision in Section 110(c) of the existing Clean Air Act, requiring the mandatory imposition of a Federal Implementation Plan (FIP) that demonstrates attainment of the air quality standards.

Justification

Mandatory FIPs are required by the current Clean Air Act. The agreement represents a relaxation of the existing law.

FIPs place pressure on states to implement their programs, often forcing legislatures or governors to adopt necessary controls.

Many areas have had successful experiences with Federal Implementation Plans (examples follow).

Examples of Successful Experiences with FIPs

Arizona.—Since neither Phoenix nor Tucson had reached attainment of the carbon monoxide standard by the 1982 deadline, Arizona prepared revisions to its State Implementation Plan (SIP). Following a 1985 lawsuit against EPA, the agency disapproved the SIP revisions and was ordered by the Court to either prepare a carbon monoxide FIP for Phoenix and Tucson or approve an adequate SIP.

After Arizona revised its SIP for Phoenix and Tucson, EPA announced its intention to impose highway funding sanctions because Phoenix still could not demonstrate attainment. In the spring of 1988, EPA formally announced its proposed approval of the plan for Tucson and a proposed FIP for the Phoenix area.

In June 1988, under the threat of a FIP, the Arizona legislature adopted a plan that was ultimately approved by the EPA in August 1988.

Arizona asserts that the FIP process was successful for at least two reasons. First, the threat of the FIP exerted sufficient pressure on the state to develop an adequate program. Second, it marshalled EPA resources, expertise, and effective technical assistance that was made available to the state. Although the proposed FIP relied heavily on control strategies in effect and under consideration in Arizona, it was EPA's concerted effort to develop the FIP that

helped the state prepare an approvable plan.

South Coast Air Quality Management District, California (Southern California).—Since the Clean Air Act of 1970, there have been several instances in California, and specifically in the South Coast Air Quality Management District (SCAQMD), in which FIPs or the threat of FIPs have been responsible for encouraging the adoption and implementation of air quality measures.

The existence of mandatory sanctions were the key reason that California, after resisting for many years, finally implemented a motor vehicle inspection and maintenance program, as required by the Clean Air Act. The threat of sanctions placed sufficient pressure on the state legislature to enact the legislation.

After the SCAQMD submitted plans in 1979 and 1982 that failed to demonstrate attainment of the ozone standard, local environmental groups sued EPA to fulfill its obligation to prepare a FIP. The threat of air quality regulations promulgated by EPA was sufficient to allow the building of a consensus for a plan demonstrating attainment in the Los Angeles Basin; a strong coalition of business and industry, local governments and the public was brought together to urge adoption of the SCAQMD's 1989 Air Quality Management Plan. The public record of the workshops and hearings preceding the approval of the plan make it clear that the threat of the FIP was a decisive force in forging that coalition.

Wisconsin, Illinois, Indiana, Michigan.—Certain areas of Wisconsin had been classified as nonattainment for ozone, based in part on transported emissions from the Chicago area (Illinois and Indiana). The state brought a suit against EPA for the agency's failure to promulgate a FIP for Illinois and Indiana, which resulted in the District court ordering EPA to promulgate a FIP for those two states by March 1990.

After the FIP was mandated, Wisconsin, Illinois and EPA reached a settlement agreement, which the Court accepted in lieu of its original order. The agreement calls for each of the parties to undertake certain measures, including interim emissions reductions by Wisconsin and Illinois. Additionally, a study including more sophisticated modeling must be conducted and Illinois must submit an approvable SIP by 1993 based on the results of modeling. If Illinois does not meet its interim reductions or submit an adequate SIP, EPA must promulgate a FIP for Illinois.

The original Court-ordered FIP, although never promulgated, exerted pressure on all of the involved states to address their problems on a regional basis, rather than through a FIP. As a result of the settlement agreement, Wisconsin, Illinois, Indiana and Michigan have formed the Lake Michigan Air Directors Consortium (LADCO) to address regional transport problems and to conduct the study required by the agreement. It is expected that LADCO will assist the states in addressing future regional problems.

MAJOR SOURCE DEFINITION

Administration-Senate agreement

Major sources are defined as those emitting 100 tons per year (tpy) or more.

Recommendation

Expand the definition of major sources to include sources emitting less than 100 tpy.

Justification

Sources emitting less than 100 tons per year (tpy) contribute significantly to our nation's air quality problems. According to the Office of Technology Assessment (OTA), up to 34 percent of hydrocarbon emissions (ozone precursors) from stationary sources are from facilities that emit 25-100 tpy. Area-specific examples include California (39 percent), Cleveland, OH (30 percent), New York City (63 percent), Rhode Island (29 percent), and Vancouver, WA (56 percent).

Many types of sources and activities emit between 25-100 tpy, including: small-medium power plants, printing operations, painting and refinishing (automobiles and furniture), chemical plants, weather stripping, paint manufacturing, asphalt plants, and pharmaceutical operations.

The agreement will allow new sources emitting less than 100 tpy to construct without any air pollution controls and escape offset requirements.

Many states are precluded from adopting regulations more stringent than those of the federal government. Consequently, such states may be unable to regulate these facilities, even if such action is necessary to attain the health-based standards.

The provision may create economic inequities. Because some areas will regulate sources smaller than 100 tpy, while neighboring regions may not, industries may choose to locate facilities in the areas with less stringent controls.

Since not all states will control smaller than 100 tpy equally, the problem of transport may be exacerbated. Even if a downwind state controls smaller sources more stringently, it may not reach attainment because pollution from upwind areas, in which smaller sources are inadequately regulated, contributes to its problem.

WAIVER OF PROGRESS REQUIREMENTS BASED UPON COST

Administration-Senate agreement

States may obtain a waiver of the progress requirements after six years if they demonstrate that it is too costly to achieve reductions (based upon a determination by EPA).

Recommendation

Eliminate the waiver of progress requirements (i.e., percent reductions) based upon the cost of control.

Justification

The agreement, in effect, relaxes existing law by allowing for the establishment of an acceptable cost for controlling air pollution and protecting public health.

EPA (and the Office of Management and Budget) may set an extremely low threshold for obtaining waivers, possibly far lower than what most states are already requiring sources to spend for air pollution control.

Sources may exaggerate the cost of control in order to escape the more stringent measures that will result from percent reduction requirements.

The inequities that may result from the provision could aggravate the problem of pollution transport. Even if a downwind state does not limit controls to those below a specified cost, an upwind state may seek a waiver, thereby allowing sources to escape more expensive, but necessary, controls.

Administration-Senate agreement

Phase I: Postpones full implementation of the first phase of the tailpipe standards from 1933 to 1995.

Relaxes the in-use performance requirements for motor vehicles by 25 percent after a vehicle has operated for 50,000 miles.

Phase II: Requires nationwide implementation of a second phase of tailpipe standards *only if* 12 or more of the 27 non-California ozone nonattainment areas designated as "Serious" fail to attain the health-based standard by 2001.

CO_2: Does not include carbon dioxide controls.

Recommendations

Retain provisions of S. 1630 that would require full implementation of Phase I tailpipe standards by 1993.

Require that the same tailpipe standards remain in effect for the full useful life of the vehicle (i.e., 10 years/100,000 miles).

Retain language in S. 1630 that would require Phase II tailpipe standards to take effect automatically beginning in model year 2003.

Require controls for carbon dioxide.

Justification

Motor vehicles are responsible for approximately one-half of the volatile organic compound and nitrogen oxide inventories and 90 percent of the carbon monoxide inventory; they are the most dominant source of smog and carbon monoxide in our nation.

Motor vehicle emissions will increase later this decade due to increased vehicle travel and congestion.

Without substantial near- and long-term reductions in motor vehicle emissions, it will be impossible for states and localities to attain and maintain the health-based air quality standards.

Expeditious implementation of Phase I tailpipe standards (i.e., by 1993), is necessary for the achievement of air quality standards. Further, the same standards must remain in effect for the entire life of the vehicle (i.e., 10 years/100,000 miles), since vehicle emissions increase significantly after 50,000 miles.

To offset the long-term effects of increased vehicle travel and congestion, a second phase of tailpipe standards will be necessary. The additional emission reductions achieved through national implementation of a second phase of tailpipe standards will assist areas not only in attaining the health-based standards, but also in maintaining these standards.

Based upon the contingencies set forth in the agreement, it is likely that national implementation of a second phase of tailpipe standards will never occur. The agreement establishes a "trigger" that would be set off only if more than 40 percent of the non-California ozone nonattainment areas designated as "Serious" continue in nonattainment in 2001. Further, national implementation of Phase II is based solely upon the performance of "Serious" nonattainment areas, while "Severe" and "Extreme" nonattainment areas are ignored. Moreover, the process for determining whether or not Phase II will be implemented focuses entirely upon ozone nonattainment and does not take into consideration other important problems that could be addressed by Phase II standards, such as carbon monoxide and nitrogen oxides. For example, the outcome of the ozone nonattainment strategy will determine whether or not Phase II standards will be implemented in carbon monoxide nonattainment areas.

Without a second phase of tailpipe standards, states and localities will be required to achieve emission reductions by imposing extremely controversial and cost-ineffective controls on other sources, including small businesses. Below are some examples of the kinds of measures that states would have to impose in order to obtain emission reductions equivalent to those that would result

from implementation of Phase II tailpipe standards.

Motor vehicles account for one-fourth of the carbon dioxide (CO_2) emitted in the United States. Because of the prominent role played by carbon dioxide in global warming, it is important that Congress establish a CO_2 emission standard for motor vehicles.

Emission reductions equivalent to phase II motor vehicle standards (2-percent reduction in hydrocarbons)

1. Georgia.—The state would need to eliminate all (hundreds) dry cleaners in the Atlanta area and adopt regulations on hundreds of autobody refinishing plants.

2. Massachusetts.—The state would have to decrease vehicle miles travelled (VMT) by 5 percent per year; upon reaching attainment, the state would need to reduce VMT by 8 percent annually to account for growth in the motor vehicle sector.

3. North Carolina.—In Wake County (Raleigh), the state would have to 1) require a 25-percent reduction (1.75 tons per day) in flight operations at Raleigh-Durham International Airport, 2) shut down Raleigh's largest newspaper, all small graphic arts operations and all of the county's dry cleaners, or 3) lower the threshold of RACT on all stationary sources.

4. Illinois.—The state would be required to eliminate all 1) iron and steel manufacturing in the Chicago area, 2) automobile and truck assembly plants, 3) dry cleaning operations, or 4) miscellaneous metal coating operations.

5. Virginia.—Virginia would need to reduce emissions by 3,000 tons/year to obtain a 2-percent reduction in its inventory. This would be equivalent to installing Stage II Vapor Recovery and onboard controls in the entire state, including all attainment areas.

6. Delaware.—To obtain a 2-percent reduction in emissions in New Castle County, the state would be required to 1) take 5,000 vehicles off the road each day, 2) shut down one-half of the organic chemical manufacturing operations, or 3) cut surface coating emissions by 35 percent in two large auto assembly plants.

7. Maryland.—The Baltimore region would need to 1) cut emissions from architectural coatings by 50 percent, 2) reduce emissions from consumer solvents by 40 percent, 3) install State II Vapor Recovery in two-thirds of the gas stations, 4) require alternative fuels on fleets and regulations on landfills, or 5) control pesticide applications by 50 percent and require can manufacturers to install incinerators.

8. Wisconsin.—The state would have to 1) reduce its VMT from "work-trips" by 6-10 percent annually, 2) eliminate surface coating emissions, 3) install Stage II Vapor Recovery in all nonattainment areas, 4) reduce area source solvent use (consumer/commercial solvents) by 50 percent, or 5) prohibit any treatment, storage and disposal facilities.

9. Arizona.—The state would have to 1) adopt an inspection/maintenance (I/M) program statewide, 2) reduce VMT by 3.1 percent, or 3) adopt a $1.00 increase in the gas tax and construct HOV lanes in the nonattainment area.

10. California.—Five of the nonattainment areas—in addition to Los Angeles—would have to implement the following measures to obtain a 2-percent reduction. These include requiring RACT on minor sources, reformulating pesticides and consumer products, controlling non-road engines, adopting transportation control measures, increasing vehicle occupancy to 1.5 persons per vehicle, lowering the volatility of gasoline to 8 psi, adopting a clean fuels program, etc. The state estimates that a 2-percent reduction in emissions is equivalent to the reductions obtained from the state's vehicle I/M program, which covers about 85 percent of the state.

11. Kentucky.—The state would have to regulate dry cleaners in nonattainment areas.

12. Maine.—The state may need to control consumer solvents, apply Best Available Control Technology to minor sources and adopt I/M and Stage II Vapor Recovery.

13. Washington.—To obtain a 2-percent reduction in VOC emissions, the state would have to 1) shut down their aluminum, lumber and paper mills, 2) close all the state's petroleum refineries, 3) eliminate all diesel vehicles—both on and off-road (including locomotives), or 4) ban all pleasure boats and commercial ships. In addition, the state must rely solely on regulating vehicle emissions to abate its carbon monoxide problem.

14. New York.—The state would have to require, among other things, a 20-percent reduction in VMT, institute a no-drive day program, close some industries, and require mandatory retirement of vehicles beyond warranty.

15. Ohio—The state would have to expand I/M to all nonattainment counties, require mass transit measures, impose parking fees, require car pooling, stagger employee work hours, and possibly more.

16. Rhode Island.—Since point sources now account for less than 10 percent of emissions, the state would have to regulate architectural coating sources (oil-based paints) and commercial/consumer solvents, or reduce VMT by 3-5 percent.

17. South Carolina.—Since no offsets are available for new source growth, the state would be required to apply LAER to existing sources, adopt an I/M program, regulate dry cleaners and/or adopt Stage II Vapor Recovery.

18. Michigan.—The state would need to 1) require incinerators on 15 paint spray booths ($8,000-$10,000/ton), 2) regulate consumer/commercial solvents, including many of the measures in the South Coast Air Quality Management District's plan, or 3) possibly reduce VMT.

19. Oklahoma.—The state would possibly 1) expand I/M to outlying areas, 2) impose more stringent controls on smaller stationary sources (e.g., dry cleaners), or 3) regulate consumer/commercial solvents.

20. Texas.—The state would 1) limit vehicle access to the Central Business District, 2) adopt regulations for consumer/commercial solvents, 3) ban industrial growth, or 4) relocate certain industries.

CLEAN FUELS

Administration-Senate agreement

Phase I: Beginning in model year 1995, all new vehicles sold in the most severely polluted areas are required to achieve a reduction in hydrocarbon emissions of 0.75 grams per mile (gpm) and a 12-percent reduction in air toxics emissions.

Phase II: Beginning in model year 1999, the hydrocarbon emission standard must not exceed 0.66 gpm, and toxic emissions must be reduced by 27 percent (although EPA is provided with the authority to lower this requirement to 18 percent).

Recommendation

Strengthen the alternative fuels proposal by restoring it to a level at least as stringent as that recommended by the President's original proposal, STAPPA/ALAPCO and the states of California and New York.

Justification

The President original clean air proposal contained an innovative program that required one million clean fuel vehicles to be introduced each year in severely polluted areas. STAPPA and ALAPCO supported this proposal and recommended that it be expanded in certain areas.

California and New York have offered an alternative fuels program that also strengthens the President's original proposal. The California/New York program requires earlier introduction of clean fuel vehicles in California, establishes specific performance standards and assures that sufficient of clean fuels will be available.

The Administration-Senate agreement is significantly weaker than the proposals made by the President, STAPPA/ALAPCO or California and New York.

Emission reduction requirements are weakened so that only slightly cleaner gasoline would be required. The need for truly clean fuels, including substantially reformulated gasoline, is eliminated.

Areas with the most severely polluted air are prevented from obtaining the ultra-clean vehicles and fuels that will be needed to meet federally-imposed clean air deadlines, thus increasing the possibility of continued unhealthful air and federal sanctions.

A mobile source "bubble," that will undermine the stringency and enforceability of emission standards is included.

The requirements to reduce toxic emissions from motor vehicles are substantially weakened.

TOXICS

Administration-Senate agreement

The agreement contains no "brightline" or benchmark upon which to evaluate residual risk (i.e., the threat to public health remaining after the application of initial control measures). Rather, the agreement calls upon a commission to recommend to Congress an acceptable standard to address residual risk. If Congress does not choose a standard witin five years, a range of 1 cancer in 10,000 to 1 in 1,000,000 will be instituted to evaluate residual risk.

The calculation of residual risk will be based upon "the most exposed actual person," rather than upon pollution levels at the fenceline of the plant's property. Additionally, risk will be calculated upon an individual's exposure for a period of less than 24 hours per day over the course of 70 years.

Provisions to address emissions of air toxics from motor vehicles have been significantly weakened.

Recommendation

Require that sources meet a minimum risk level of 1 in 10,000, with a goal of 1 in 1,000,000, as specified in S. 1630.

Restore provisions in existing law requiring risk measurements to be based upon lifetime exposure at a plant's property line.

Include provisions contained in S. 1630 to address emissions of air toxics from motor vehicles.

Justification

The proposal specifies on minimum standard for protecting public health, other than a default provision, to take effect in the event that Congress fails to act. Consequently, the agreement has removed the assurance of an acceptable statutory "bright-

line," against which residual risk is to be evaluated. Over half of the states have recognized the importance of a "brightline" in their air toxics programs and have incorporated a benchmark between 1 in 10,000 and 1 in 1,000,000 to evaluate residual risk.

The calculation of residual risk based upon the most exposed actual person, rather than upon exposure at the plant's property line, represents a weakening of existing law. Moreover, existing law will be further weakened by provisions in the agreement calculating risk based upon a period of less than 70 years and 24 hours per day. It is important to retain existing law in both respects in order to ensure adequate protection of all people potentially exposed to toxic air pollution and to address uncertainties in the data.

The agreement allows sources to purchase the homes of individuals near the plant in order to further reduce the exposure of the nearest "actual" person and avoid control requirements. As a result, emissions at levels otherwise deemed unacceptable could continue.

The President has established a goal of reducing cancers from exposure to toxic air pollution by 75 percent. EPA has concluded that emissions from motor vehicles account for over 50 percent of the cancers from air toxics. Clearly, without a strong program to regulate air toxics form motor vehicles, this goal will never be met. Accordingly, the Clean Air Act should contain a comprehensive program to reduce emissions of air toxics from motor vehicles, such as the provisions originally contained in S. 1630.

Mr. LAUTENBERG. Mr. President, now I would like to address the amendment offered by the Senator from Idaho. I oppose the amendment. I oppose it most strenuously.

Senator BAUCUS has already pointed out the technical problems with the amendment. It misreads the underlying substitute.

But, aside from the technical problems with the amendment, I oppose the Symms amendment because of what it stands for. It stands for retreat.

The amendment asks workers and neighbors to vote, to choose whether they want jobs or they want good health. The amendment gives industry the right to hold towns and jobs hostage.

Instead of taking the steps needed to clean up the air, a company could wait, and wait, and then put an economic gun to the head of workers and their families.

Mr. President, that is not the American way. Down through the years, there has been a minority of voices telling Americans that the cost of better health was too high and the cost of better lives was too high.

We heard it when we took children out of sweatshops. They said factories would close. We heard it when we gave workers a minimum wage.

It was said then: Jobs will be lost. We will not be able to compete. We are going to be in for hard times. We heard it when we passed the mine safety and factory safety laws. It was said the mines would close and the plants would close. We have seen the result, Mr. President. They were simply wrong.

We passed those laws and we still prospered as a nation. We did not ask our kids to vote on whether or not they wanted child labor laws; and we did not ask workers to vote, factory by factory, on whether they would take the kinds of wages they pay in the Third World or give up their jobs; and we did not ask miners and workers to accept dangerous conditions and ruin their health in mines and deadly factories.

Americans want us to pass a tough clean air bill because they do not want to choose between health and a job. They want both of them. That is a consistent dream of Americans. They have a right to both. They want us to pass a law that tells industry to give them both, to work hard, to use all the creativity they have, to produce and to build and to do it with respect for the individuals and the environment.

Mr. President, that is what the steelworkers, the chemical workers, the oilworkers, and the atomic workers are saying. They have written to us. They have asked us to pass a tough clean air bill. They want to continue to work. Of course they do. They like their jobs. They want those jobs. But they do not want to have to die to go to work.

I ask unanimous consent, Mr. President, that letters from these unions whose workers are so affected by air toxic pollution be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LAUTENBERG. Mr. President, the American people understand what is involved in this debate. In a poll conducted just this past December by Cambridge Emergy Research Associated and Opinion Dynamics Corp., 75 percent of those polled said they would be more likely to vote for someone who supported a law that all factories meet strict toxic waste and air pollution standards or be forced to close.

Mr. President, if we give industry the incentive to develop new technologies, they will develop them. If we give them the out that has been proposed by the Senator from Idaho, they will use that out.

When EPA projected job losses from the air toxics bill, it assumed that no new technology will be developed to control hazardous air pollutants. If EPA itself calls this an unreasonable assumption, then it is obviously something that has to be paid attention to.

The history of the Clean Air Act suggests that many new technologies will be developed. The catalytic converter for automobiles was available within 5 years after Congress required a 90-percent reduction in tailpipe emissions. Scrubbers for powerplants have only been used for 15 years, and industry is already looking to a new generation of clean coal technology opportunities. New technologies will reduce the cost of health standards.

According to information provided by the Congressional Research Service, 20,000 new jobs will be created for every $1 billion in pollution control capital expenditures.

Mr. President, we are going to create jobs. We are not going to destroy them, but we are going to create jobs in a healthful environment.

We are not the only Nation looking for ways to control pollution, Mr. President. We only have to look at the increasing awareness of pollution problems in Eastern Europe. When America develops pollution control technologies, it will develop products for export around the world, and that is going to mean more jobs.

In sum, Mr. President, the amendment by the Senator from Idaho in my view is a dangerous amendment. It would establish a dangerous principle in our law. It would force American workers to choose retreat, to choose a dirty environment.

I hope my colleagues will oppose the amendment, and I urge them to do so.

I yield the floor.

EXHIBIT 1

INTERNATIONAL CHEMICAL WORKERS UNION,

Washington, DC, January 31, 1990.

DEAR SENATOR: Our unions strongly support the air toxics provisions of S. 1630, the clean air legislation now before the Senate. We urge you to reject amendments that would eliminate or undermine any of the bill's vital measures for protecting public health.

Toxic air pollutants impose a staggering toll of death, injury, and illness. Nearly 2.7 billion pounds of air toxics were reported released in the "routine" operations of large industrial facilities in 1987, causing cancer risks as high as 1-in-10 for the people most heavily exposed. In addition, more than 11,000 chemical accidents occurred in the 1980s, killing more than 300 people and injuring 11,000 others.

The dangers from these pollutants fall hardest on the working men and women who are doubly exposed from working in major industrial facilities and living in the surrounding communities, and on their families and communities.

To control so-called routine emissions, S. 1630 establishes a two-stage program for major industrial facilities: "Maximum available control technology" standards, followed by health-based standards to reduce cancer risks when they remain high. Both parts of this program, including the firm deadline for reducing cancer risks below 1-in-10,000, are vital. The health standards, coupled with the bill's more than adequate leadtime, will encourage the development of efficient new control measures where necessary.

We urge you to reject calls from some in industry to eliminate S. 1630's health standards in favor of an "unreasonable risk" approach. This is familiar code language for

cost-benefit analysis. It would be totally unacceptable to working men and women for cost-benefit analyses to govern these life and death decisions.

S. 1630's chemical accident program is equally essential to protecting health and safety. We support the bill's "hazard assessment" process, requiring companies that handle extremely dangerous substances to analyze and disclose their potential for accidental releases. These hazard assessments will lead many companies to discover and correct dangerous conditions before they take lives or destroy productive facilities.

We also support the bill's creation of an independent Chemical Safety Board to investigate and report on the causes of serious accidents when they do occur. Too often, it is left up to companies themselves to investigate the causes of accidents. Like the National Transportation Safety Board on which it is modelled, the Chemical Safety Board will help prevent past tragedies from being needlessly repeated.

We favor S. 1630's provision for coordination between EPA and OSHA in accident safety rulemaking. We ask you to support provisions assuring that important rights under OSHA (such as "walk-around rights" during official inspections) are extended to EPA and the Chemical Safety Board as well.

In short, as representatives of working men and women and their families, our unions urge you to support S. 1630's air toxics amendments. We ask you to reject any effort to eliminate, delay, or cripple the vital health protection provisions of this bill.

Sincerely,

E. Robert Marlow, Vice President, International Chemical Workers Union; Milan Stone, President, United Rubber, Cork, Linoleum and Plastic Workers of America; Jack Sheehan, Assistant to the President, United Steel Workers of America; Nolan W. Hancock, Citizenship-Legislative Director, Oil, Chemical and Atomic Workers International Union.

UNITED STEELWORKERS OF AMERICA,
Washington, DC, February 27, 1990

Re Air Toxics, S 1630.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The USWA, which is a supporter of the air toxics provision of S 1630, has become aware of a steel-specific amendment which would put those exposed to coke ovens benzene and other cancer-causing emissions—both workers and residents of nearby communities—in a second class category with regard to the health risk protection being provided for the rest of the nation.

While we are aware that some opponents of a "technology-forcing" obligation have strongly expressed their views, a flat-out thirty-year (30) avoidance of a health-based standard just for steel communities denies protection for a particular endangered population. It is a special treatment which carries with it no special health benefits for the worker nor the communities in and around coking facilities.

Debate over the methodology for determining health risk evaluations, as applicable to all air toxics vulnerable communities, does not justify a special long-term exclusion of steel communities from any technology-forcing evaluations. Note that neither the Senate bill nor the Administration's bill describes the methodology or assumptions to be followed in determining the health risk. The Senate bill, however, does require that the methodology focus upon the "most exposed individual", but EPA is left with the discretion of formulating the actual measurement technique, subject to a review by Congress within two years which would include an examination of the "factors which may contribute to overestimating or underestimating such risks, including the exposure parameters used in establishing carcinogenic risk estimates for the most exposed individual."

The steel industry has declared the risk assessment in S 1630 to be "arbitrary and unscientific." Yet that methodology is precisely what EPA is presently applying even without S 1630. Actually what the industry is objecting to is any residual health risk obligation which is not conditioned upon a cost-benefit analysis. While methodologies can be fine-tuned and USWA supports that exercise, the union urges the Congress to maintain a health-based approach to air toxics rule-making even if it entails a technology-forcing burden.

Since there are coke facilities in your state you should be aware that these special arrangements will unduly deprive workers and their families in these communities of needed protection.

Many of our communities exposed to coke emissions are already experiencing very high health risks. Some of the risks are as high as one cancer per 55 persons. The air toxics section of S 1630 is designed to lower those risks. To denounce this objective as a "shutdown sentence" is to engage in an environmental blackmail threat to the coke oven communities on an unreasonable and irresponsible assumption that coke oven abatement technology will be frozen at its present level of effectiveness. Even current control practices according to EPA studies can bring 36% of coking facilities up to the 10-4 health protection level. It is reasonable therefore to expect and socially responsible to demand that over the next 15 years there should be a push to improve coke oven control strategies.

Statements which infer immediate shutdown and job loss are irresponsible. USWA urges that you not be swayed by that type of rhetoric and that you adhere to a pollution abatement strategy which will induce development of control technologies which will accomplish a specific health-protective objective.

Sincerely,

LYNN R. WILLIAMS,
President.

UNITED STEELWORKERS OF AMERICA,
Washington, DC, March 1, 1990.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On February 27, USWA President Lynn Williams communicated with you regarding the air toxics section of the Clean Air Act Amendments (S. 1630). Because carcinogenic emissions from coke ovens are causing health risks to workers and steel community residents alike, he urged that coke oven operators not be relieved of a year 2005 health-based regulations to control residual emissions; i.e., those toxic emissions still remaining after the installation of current abatement technology.

We, the undersigned, are the elected USWA District Directors of steelworkers working and/or living in coke-producing communities. We urge you—especially steel-state Senators—to reconsider the politically pragmatic-based decision to allow a special 30-year exclusion of these communities and their workers from the health-based protection of the Act. Steel communities which will be treated differently than the rest of the country will be placed in a second-class health status with regard to protection against carcinogens.

Well-financed lobbying efforts by industry representatives who do not live in, nor are responsive to, workers or residents of these communities should not be the compelling reason to justify a steel-specific exclusion to postpone a public health obligation. As elected union representatives, we do not view the air toxics section as a job loss or shutdown provison. Actually, we are concerned about the continued risk of life loss for workers and community residents.

The USWA has not resisted advances in steel production technology; e.g., pulverized coal injection to displace coke in the blast furnaces, which has reduced the number of jobs in the coke ovens. But we do reject the assertion that coke oven abatement technology will not advance over the next 15 years, thereby resulting in coke oven shutdowns. Presently, 36% of coking capacity can meet the health-based requirements of S. 1630. While further production technology will displace coke oven steelworkers, pollution abatement technology will not. But it will save lives.

Sincerely,

Thermon Phillips, USWA District 36, Alabama; Jack Parton, USWA District 31, Indiana; David Wilson, USWA District 8, Maryland; Harry Lester, USWA District 29, Michigan; Louis Thomas, USWA District 4, New York; Frank Valenta, USWA District 28, Ohio; Anthony Rainaldi, USWA District 20, Pennsylvania; Andrew Palm, USWA District 15, Pennsylvania; Paul McHale, USWA District 9, Pennsylvania; John Reck, USWA District 7, Pennsylvania; Robert Petris, USWA District 38, Utah.

Mr. BAUCUS. Mr. President, the pending amendment is the amendment offered by the Senator from Idaho [Mr. SYMMS]. I understand that the Senator from Idaho is on his way to the floor to speak on his amendment.

I very much hope the Senator from Idaho arrives quickly, so we can very quickly dispose of his amendment one way or the other. We have been on his amendment now for quite a number of hours. In fact, his amendment was laid before the Senate last night. It is my hope that we vote on it very quickly.

If the Senator from Idaho does not come to the floor fairly quickly to speak on his amendment, I would be constrained to ask for the regular order at the appropriate time, so the Senate does vote on the amendment.

But the pending amendment is the amendment offered by the Senator from Idaho [Mr. SYMMS]. It is the Symms amendment, an amendment which the leadership opposes, an amendment which the Senator from Montana opposes, as does the Senator from Rhode Island, the ranking member opposes. It is a deal-breaker amendment.

But, nevertheless, the Senator is certainly within his rights to offer the amendment. He is within his rights to offer any amendment under the standard procedure, though I believe it only appropriate that the Senate vote on the amendment, deal with that amendment fairly quickly since the Senate has been on that amendment for quite some time.

There will be many more amendments that will come before the Senate dealing with the Clean Air Act. I now urge all Senators who have amendments to quickly come to the floor to offer their amendments, so we can avoid very late night sessions.

The majority leader has indicated that he plans to stay in late each night in order to finally conclude action on the clean air bill this week. The Senators can come to the floor now, this afternoon, while no other amendments are pending. Then we can go home at an earlier hour each evening.

But the longer Senators wait with their amendments, the longer Senators delay in offering their amendments, the later the hour will be when the Senate recesses each night. So I strongly urge Senators for their own sakes to offer their amendments quickly. This is a good opportunity.

Once we dispose of the Symms amendment one way or another, it is a good opportunity for other Senators to come to the floor with their amendments. I strongly urge Senators to do so.

In the meantime, 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. SYMMS. 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. SYMMS. Mr. President, a study was released on Tuesday that bears out some of the statements that I have made with respect to jobs, and that is really what this amendment is all about. I happened to be in my office and I saw my good friend from New Jersey, Senator LAUTENBERG, make the comment that this is a dangerous amendment.

This is only a dangerous amendment if we are afraid of having people who are going to lose their jobs have a chance to say that they would rather take the risk of breathing this air than let the EPA decide what is best for them. It is only a dangerous amendment if we are afraid of the common sense of the good people of the United States of America.

Mr. President, a study was released last Tuesday that bears out those statements. Two Ph.D. economists at Carnegie Mellon at Pittsburgh, Dr. Robert W. Hahn and Dr. Wilbur A. Steger, just released an extensive review of the various clean air regulatory proposals, and I would like to have my colleagues have a look at this.

They went through the bill, made conservative impact estimates—they built on the EPA methods wherever possible—only direct impacts, only direct jobs, no indirect effects. They limited the numbers to U.S. plants and workers, and they used EPA and census data bases, and they employed EPA technology assumptions.

Mr. President, these economists came up with this conclusion, that there would be somewhere between 2.3 and 3.7 million jobs that would be lost if this standard is applied.

I know there seems to be some discussion as to what the standard is. I discussed this with Senator DOMENICI, who was one of the authors, and worked out the agreement about the residual risk. But the way I read it, and I have not heard anyone on the floor dispute that this issue is still unresolved, we will, without a positive act of Congress, have a 1-in-10,000 shutdown standard; and 1 in 1 million technology standard still exists, unless amended by Congress at some time in the future.

So, Mr. President, when we look at this, we start seeing that in Ohio they will lose somewhere between 208,000 and 326,000 jobs. I do not think it is unfair for people from Ohio to have a chance, if they have a plant and the EPA comes in and applies the standard, I do not think it is too much to come in and ask the people, the ones affected. EPA will designate the area affected by this plant. They will have this person who lives for 70 years out here. When we look at that chart of the areas that could be affected by full compliance with the 98-percent MACT standard and 1 in 1 million residual risk requirement, we are talking about a lot people.

Every State is impacted by this, every State of the Union. Some of the States will get affected to a high degree. I will just go through the States. Mr. President, I ask unanimous consent to have printed in the RECORD those States, and I will highlight a few of them.

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

JOBS-AT-RISK AND JOB LOSSES RESULTING FROM PROPOSED CLEAN AIR ACT AMENDMENTS

State	All plants affected by air toxics provision permitting acid rain						1 Permits A.R.	9 Permits A.R.
	Scenario 1	Scenario 3	Scenario 4	Scenario 9	Small bus.			
Alabama	31,778	37,775	34,670	56,412	9,438	4,890	46,106	70,740
Alaska	3,251	3,251	3,251	4,786			3,2,51	4,786
Arizona	8,326	8,326	8,326	12,059	14,520		22,846	26,579
Arkansas	9,098	9,286	9,098	14,141	156		9,254	14,297
California	29,659	29,659	30,194	132,991	210,243		239,902	343,234
Colorado	7,612	7,612	7,612	20,090			7,612	20,090
Connecticut	18,838	18,838	19,209	30,691	20,637		39,475	51,328
Delaware	2,637	2,637	2,637	14,872	4,580		7,217	19,452
District of Columbia	50	50	50	250			50	250
Florida	14,118	14,118	14,466	29,619	30,781	7,599	52,498	67,999
Georgia	18,289	18,422	18,481	51,433	22,019	6,329	46,637	79,781
Hawaii	3,055	3,055	3,055	5,254			3,055	5,254
Idaho	675	675	675	2,791			675	2,791
Illinois	54,668	55,917	58,219	109,660	79,707	6,250	140,625	195,617
Indiana	81,136	81,136	82,872	155,798	16,788	28,559	126,483	201,145
Iowa	14,949	14,949	14,949	26,373		6,932	21,881	33,305
Kansas	3,594	3,594	5,309	19,531	6,110	8,427	18,131	34,068
Kentucky	16,559	16,559	19,017	37,506	11,334	9,000	36,893	57,840
Louisiana	26,619	26,619	26,665	38,894	7,757		34,376	46,651
Maine	3,185	3,185	3,185	10,245	4,214		7,399	14,459
Maryland	8,002	8,002	8,042	27,169	29,526	10,502	48,030	67,197
Massachusetts	13,424	13,574	14,868	24,446	53,874		67,298	78,320
Michigan	46,992	46,992	47,734	181,083	36,272	3,464	86,728	220,819
Minnesota	17,890	17,890	17,890	27,599			17,890	27,599
Mississippi	13,813	13,813	13,813	27,082	685	272	14,770	28,039
Missouri	58,066	58,066	58,440	87,336	25,914	21,442	105,422	134,692
Montana	1,261	1,261	1,261	3,923			1,261	3,923
Nebraska	3,750	3,750	3,750	6,820			3,750	6,820
Nevada	0	0	0	2,316			0	2,316
New Hampshire	4,339	4,339	4,339	10,621	7,605	1,387	13,331	19,613
New Jersey	12,510	13,368	25,492	43,817	90,458	69	103,037	134,344
New Mexico	2,209	2,209	2,209	7,413			2,209	7,413
New York	70,083	79,280	81,415	140,458	98,652	8,570	177,305	247,680

JOBS-AT-RISK AND JOB LOSSES RESULTING FROM PROPOSED CLEAN AIR ACT AMENDMENTS—Continued

State	All plants affected by air toxics provision permitting acid rain						1 Permits A.R.	9 Permits A.R.
	Scenario 1	Scenario 3	Scenario 4	Scenario 9	Small bus.			
North Carolina	16,135	16,135	16,135	114,736	27,427		43,562	142,163
North Dakota	61	61	61	635			61	635
Ohio	92,346	93,145	94,322	210,170	69,351	46,780	208,477	326,301
Oklahoma	4,044	4,165	4,165	23,703	4,346		8,390	28,301
Oregon	4,651	4,651	4,651	11,591	8,703		13,354	20,294
Pennsylvania	54,246	55,370	55,430	135,015	71,533	24,714	150,493	231,262
Rhode Island	826	826	879	5,939	9,878		10,704	15,817
South Carolina	4,672	4,672	4,672	45,619	9,627		14,299	55,246
South Dakota	320	320	320	811			320	811
Tennessee	69,027	69,034	78,707	92,377	17,833	8,305	95,165	118,515
Texas	62,239	84,810	75,918	114,967	69,377		131,616	184,344
Utah	8,145	8,145	8,145	14,210	5,516		13,661	19,726
Vermont	1,573	1,573	1,573	2,038			1,573	2,038
Virginia	33,979	33,979	33,984	107,378	19,642		53,621	127,020
Washington	11,468	11,468	11,468	67,469			11,468	67,469
West Virginia	20,485	22,360	23,105	31,290	2,854	1,967	25,306	36,111
Wisconsin	41,823	41,823	42,206	74,949	16,731	26,437	84,991	118,117
Wyoming	1,341	1,341	1,351	3,425			1,341	3,425
United States	1,027,816	1,067,085	1,098,285	2,414,804	1,114,088	231,895	2,373,799	3,760,787

Mr. SYMMS. Alabama, between 46,000 and 70,000 jobs, depending on which scenario is used, which set of standards in this study, based on this study.

Alaska, 3,000 to 4,700 jobs. Arizona, 22,000 to 26,000 jobs. Arkansas, 9,000 to 14,000 jobs. California, 239,000 to 343,000 jobs.

There may be communities where there is a heavily affected population of people who would vote to close the plant, if this risk technology is there.

The point is the economic impacts be considered and the jobs, jobs gained, jobs lost, jobs at risk from large business, small business, plants closed, at risk, States and counties.

The 20,000 plus, 1 in 10,000 risk level; 200,000 1 in 1 million risk level.

Mr. President, I think just to tick these off, Colorado would lose somewhere between 7,600 and 20,000 jobs; Connecticut would loose somewhere between 39,000 and 51,000 jobs; Delaware would lose somewhere between 7,000 and 19,000 jobs; District of Columbia, 50 to 250; Florida 52,000 to 67,000; Georgia, 3,000 to 5,000. In my own State of Idaho, somewhere between 700 and 3,000 jobs; Illinois, 140,000 jobs to 195,000 jobs could be lost, Indiana, 21,000 to 33,000; Iowa, 18,000 to 34,000; Kansas, 36,000 to 57,000.

Mr. President, I could go on through this list, but this is, in my opinion, something that Senators should look at with great concern.

What this amendment says, and I will just reread the amendment, it is very simple:

No plant, facility, or source shall be required to cease operations, nor shall be put in jeopardy of ceasing operations because of action taken with regard to its permits, fees, or fines, as a ressult of exceeding the standards issued pursuant to subsection (f) of this section, unless and until such time as a question shall have been placed in referendum before the community exposed to the risks which exceed the standard and at least 50 percent respond in the negative. Prior to the issuance of any standard pursuant to subsection (f), the Administrator shall, by rulemaking, determine the appropriate methodology for conducting such referenda. The question placed before the exposed population shall be worded—

If this is something my colleagues are afraid of, I find this to show the utmost confidence in the American people. The question on the ballot will be:

Shall the, (name of the plant, facility, or source) remain in operation notwithstanding the fact that the United States Environmental Protection Agency has projected the possibility that an individual born and standing on the fenceline of this (plant, facility, or source) for 70 years may be subjected to a lifetime cancer risk of greater than (1 in 10,000 to 1 in 1,000,000).

Mr. President, I am told by my colleagues that they think they worked this out. So, if they are correct and this standard is not going to be applied, I see no reason for Senators to not accept this amendment and have it be a part of the bill so there will be some protection for the working men and women of this country, so they will be able to have an opportunity to vote on whether or not they want their plant closed if, in fact, they are going to be impacted by a loss of jobs because of the cloud that goes with this bill.

So I think it is a very simple amendment, very easily understood. I hope that this amendment will not be tabled; that it will just be accepted as part of this bill.

It seems to me that if we want to stand with the basic premise of the Clean Air Act, which this country operates on, it puts the utmost confidence in local and State authorities to come up with these SIP plans, to come up with the other standards in the bill, allow the people most affected by it—one has to understand, in residual risk assessments, Mr. President, that air disperses so the worst case we are talking about is the plant may be closed; in the worst case, that is the person who will stand there for 70 years, 24 hours a day and, as Senator SIMPSON said, keep their head right in the flume and breathe the worst possible air they can get and be the most sensitive individual. Not for the whole group.

Senator MITCHELL and others are trying to come up with a standard that would reach a wider basis, that would reach a public health standards, if you will, not this standard of this one person. But that still is in the bill. Nothing has been resolved here without Congress acting. So if any Senator thinks they are going to be voting for this bill and not voting for this standard, in my opinion, the way I read the bill, and I invite my colleagues to read this bill, that is the way it reads.

Mr. President, I suggest the absence of a quroum.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. 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. DIXON. Mr. President, I ask unanimous consent that I be permitted to proceed as in morning business for a period of 5 minutes.

The PRESIDING OFFICER. Hearing no objection, the Senator from Illinois will proceed as in morning business for 5 minutes.

U.S. DEFENSE POLICY IN A TIME OF PEACE

Mr. DIXON. Mr. President, the United States is witnessing a period of historic change in the Soviet Union and Eastern Europe. These developments require Congress, in conjunction with the President and his administration, to look hard at fundamental U.S. defense strategy.

Last week, the Senate expressed its sense of how we should use the anticipated peace dividend. Congress, the Bush administration, and the Nation must remember that we are at the beginning of a fundamental debate on the future of our country's defense

policy, not the end. The major cuts that would produce the savings much talked about of late are nowhere near an accomplished fact. The freed-up funds do not now exist. Focusing on a dividend at this early juncture is to invite inevitable frustration created by high expectations that are not about to materialize immediately.

I believe that at this point Congress should instead focus more on the first word, "peace," and less on the second word, "dividend." The prospect of creating a more stable and secure world is the greatest opportunity afforded by the recent warming in United States-Soviet relations and the startling, but welcome and significant events in Eastern Europe. While I recognize the constraints imposed by Gramm-Rudman-Hollings on all budgetary decisions, I insist that any economic peace dividend should be the result of congressional thinking and rethinking, not the main force driving our actions.

Testimony received recently by the Armed Services Committee indicates clearly that the Warsaw Pact threat to NATO security has been drastically reduced. Yet the most difficult question remains unanswered. How should we act to protect our overall security interests in this world in transition? The bottom line is that I am uncertain—and I think I speak for many people in this regard—about what lies ahead for U.S. national security interests.

Faced with this unsettled situation, we in Congress must take a careful, balanced approach to reviewing the Bush administration's fiscal year 1991 budget request. There is no doubt in my mind that we can, will, and must make changes in our overall defense program now, and that some immediate savings will result. However, these cuts—at least for this year—should come from budget areas most directly and obviously related to the changing situation in the Soviet Union and Europe. To my mind, strategic nuclear weapons systems are the biggest example in this category.

Turning to the conventional side, common sense also requires that—on the one hand—the United States should not in most cases commit to big ticket new programs that future events could make unnecessary. We can safely skip the next generation of weapons in many areas, while continuing research and development efforts. On the other hand, and equally important, we should not eliminate existing capabilities that we need now or might need in the near future. In other words, when confronted with a choice between maintaining an existing program that we know works, or sacrificing it for a future program that we might not need, I say we stick with what we have and make gradual improvements as necessary. I am a firm believer in the "if-it-ain't broke, don't fix-it" theory. I am also a believer in the "save-a-dollar by getting the most-value-for-each-tax dollar" theory. These two theories combined mean we should stick with conventional weapons that work, and eliminate waste and reduce expenditures by not buying into new projects that are of questionable need or are not yet proven.

I am unconvinced that the Bush administration's defense budget now before Congress takes this sort of sensible, reasonable approach. As I review the President's budget, I once again see this administration emphasizing strategic over conventional programs—as did its predecessor. Strategic nuclear modernization programs, the requirements for which I believe are most obviously and directly related to the degree of overall Soviet threat, emerge from the President's request unscathed—and even receive substantial funding increases. In remarkable contrast, existing conventional capabilities that possess more broad-ranging immediate or potential applications, are eliminated, while expensive replacements are initiated.

Mr. President, as chairman of the Armed Services Readiness, sustainability and Support Subcommittee, I do not believe that this is a wise direction to take the defense budget in these times. The President's request reflects the wrong priorities. For example, the Army plans to terminate the AH-64 Apache helicopter, and then initiate a brand new program, the light helicopter or LHX, which is still only on the drawing board. This simply does not make sense. Why commit to a brand new capability when we do not know what the threat will be? At the same time, why eliminate the best helicopter in the world, which by the way has only been in production for 6 years, when—once again—we do not know what the threat will be? A similar situation exists with the M-1 tank. The Army plans to terminate the program because it wants to buy a new tank. This is not the time to devote scarce funds to an expensive new tank. We should simply keep and improve the one we have.

On the strategic side, the situation only gets worse—no cuts at all. How can this be? I have always understood that a major reason that we modernize our strategic nuclear forces, especially land-based forces, is to enhance the credibility of our guarantee of Western European Security. As I said earlier, the Warsaw Pact threat to NATO security has radically changed. While I am a vigorous supporter of a strong U.S. nuclear deterrent, I have difficulty swallowing a defense budget that refuses to recognize a changed world. After hearing three former chairmen of the Joint Chiefs of Staff testify before the Armed Services Committee that this country does not need two mobile missile systems, I certainly cannot support both the Rail Mobile MX and the Road Mobile Midgetman programs.

I have other general concerns with the Bush administration's budget request and overall approach to defense issues at this time. I have no quarrel with the ongoing negotiations to reduce conventional forces in Europe. However, I also believe that we can withdraw a significant number of troops from Europe now—perhaps 50,000—without waiting for an agreement. Upon concluding a treaty, our earlier reductions will simply have moved the United States closer to our agreed upon number sooner. I can think of no more tangible action that we can take immediately to demonstrate U.S. seriousness about re-examining the Nation's defense policy.

I envision the United States drawing down troops in Europe, while at the same time reducing the size of the overall Active Force. However, I strongly believe that in this uncertain environment we must preserve a high degree of readiness in this smaller Active Force. Moreover, as we reduce Active Forces, we should place greater emphasis on the reserve units and the National Guard. Similarly, I believe that we must have sufficient airlift and sealift capability in the event that we need to move these forces to meet some contingency unforseen at this time. The President's defense budget request again takes us in the wrong direction. It cuts funds for both the Reserves and the Guard, and reduces funds for the fast sealift and the C-17 programs. Mr. President this is unacceptable.

I also hear the Army talking about reshaping itself into a lighter outfit similar to the Marine Corps. While I understand that some degree of increased flexibility for the Army is a good thing, I think it is absurd to create two Marine Corps. We must retain strong conventional forces, and we must not find ourselves left with an Army that is too light to fight.

I am also very concerned about the military services approach to the issue of commonality in weapons systems. In the austere defense funding environment that now exists, commonality in weapons systems is more essential than ever. For example, the Air Force wants to build an advanced tactical fighter plane. Congress has called for a plane that both the Navy and the Air Force can use. I very much hope that the Pentagon is listening, because without a large amount of commonality, I do not see Congress approving two new fighter planes.

No one doubts that the United States continues to be a superpower concerned about maintaining peace and stability in the world by deterring aggression. We will continue to need sufficient active and reserve Armed

Forces. Yet, of course, the key question is how we define sufficient.

Today I have outlined broadly my thinking on the general direction we should take the defense policy of the United States, and discuss some of my immediate concerns. As chairman of the Readiness Subcommittee, I—along with my armed services colleagues—will be spending considerable time in coming months working on more specific answers to these difficult questions.

However, Mr. President, I know that I am uncomfortable with the fact that U.S. defense spending traditionally runs in cycles. I believe the United States must avoid the inefficient feast-or-famine attitude it has exhibited toward funding defense in the past. Critics have charged correctly that the previous administration during the first half of the 1980's poured too much money too fast into defense, and without enough thought. However, that does not mean that we should now make the same mistake in the opposite direction.

We can and will reduce defense spending somewhat this year as we begin to alter our defense policy to reflect a changing world. However, we have a grave responsibility to provide for the security of the United States, and our challenge is to do so in a sensible, orderly fashion.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CLEAN AIR ACT AMENDMENTS OF 1989

AMENDMENT NO. 1295, AS MODIFIED

(Purpose: To exempt ammonia used in the production and manufacture of fertilizer from consideration as a hazardous air pollutant)

Mr. SYMMS. Mr. President, I send a modification to my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment is so modified.

Amendment No. 1295, as modified, is as follows:

At the appropriate place, insert the following new paragraph:

Notwithstanding any other provision of this section, ammonia in emissions resulting from the manufacture or production of fertilizer shall not constitute a hazardous air pollutant.

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

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

The PRESIDING OFFICER (Mr. ROBB). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SYMMS. Mr. President, there seems to have been some misunderstanding on the floor this afternoon. Just to catch up all Senators who may be wondering what is going on, my amendment calling for a vote on whether or not a plant should be closed—the community involvement in closing decisions—has been modified, and I am prepared to withdraw the modified amendment which now reads:

Notwithstanding any other provision of this section, ammonia and emissions resulting from the manufacture or production of fertilizer shall not constitute a hazardous air pollutant.

What I have agreed to do, Mr. President, is to cosponsor with the senior Senator from Montana an amendment which he will offer, which he had offered at one time in the committee. It is not the amendment I would like to have, but it is better than nothing. I think we all know that at some points in time in our political system, it is better to get half a loaf on a bill that is as complicated as this as nothing.

So I shall ask that I may withdraw my amendment.

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

Mr. SYMMS. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 1295) as modified, was withdrawn.

Mr. SYMMS. Mr. President, I want to say again that I am sorry if there was a misunderstanding with the majority leader and Senators, the managers of the bill, Senator CHAFEE and the Senator from Montana [Mr. BAUCUS]. I do not believe there was ever a misunderstanding.

I might also let the Senate be on notice that they may not have heard the last of the community involvement in closing decision until it is clear to all Senators what exactly is in the compromise package with respect to the bright line. I am not resolved but what the community involvement section may not be needed as an amendment, and I still may ask the Senate to dispose of that later.

But it has been withdrawn. My original amendment on ammonia has been withdrawn, and I believe that the Senator from Montana is going to offer an amendment which I will cosponsor. It is not what I wanted, but it is part of what I wanted.

I yield the floor.

AMENDMENT NO. 1297 TO AMENDMENT NO. 1293

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

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. SYMMS and Mr. DOLE, proposes an amendment numbered 1297 to amendment No. 1293.

Mr. BAUCUS. 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 follows:

Insert on page 243, line 24, after (4), "(A)" and insert on page 244, line 3, at the end of the period the following:

"(B) Standards for sources of ammonia shall be established pursuant to this subsection within the time established by subsection (e)(1)(C). The Administrator shall establish a health threshold for ammonia before standards are required to be promulgated pursuant to subsection (e)(1)(C). Emission standards for sources of ammonia shall be established at levels which protect public health with an ample margin of safety."

Mr. BAUCUS. Mr. President, I would like to clarify the parliamentary situation for all Senators who may be interested.

We were considering the Symms amendment. Senator SYMMS then withdrew that amendment and offered another amendment dealing with ammonia. As a consequence, the earlier Symms amendment is no longer pending before the Senate. It has vanished. It is not at all before the Senate in any way whatsoever.

The Senator from Idaho [Mr. SYMMS] has also now withdrawn his ammonia amendment. Therefore, we are back on the committee amendment which is in the nature of a substitute. That is the pending business before the Senate.

I have not proposed an amendment dealing with ammonia to that substitute. I offer that amendment on behalf of myself and also on behalf of Senator SYMMS, from Idaho.

Mr. President, this amendment deals with ammonia. It is an amendment to the air toxics provision of the Clean Air Act regarding the treatment of ammonia. The amendment is within the scope and the spirit of the compromise.

Ammonia is historically one of the top chemicals produced nationally. Thirty-two billion pounds were produced in the United States in 1987, making ammonia the fourth highest chemical in production volume. Ammonia, especially in the form of anhydrous ammonia, used by farmers

across the Nation as fertilizer, is very important to all of us.

Ammonia is released into the environment in large amounts. In fact, in 1987 the EPA reported in its toxic release inventory that over 318 million pounds of ammonia were released into the air, more than any other chemical reported in the inventory by about 60 million pounds. These releases occur on a routine basis according to plans and scheduled events, and they also occur when accidents occur. Both types of releases must therefore be controlled. Once ammonia is released it can cause serious injury and death. Ammonia releases have resulted in the second greatest number of injuries and deaths of all chemicals reported in EPA's acute hazards events data base.

Ammonia is also on the Superfund amendments and Reauthorization Act 302 list of extremely hazardous substances. Exposure to routine ammonia emissions may result in potentially adverse human health effects. Ammonia has been shown to cause irritation of the eyes, the skin, the mucous membranes, headaches, nausea, also possible eye damage; that is, cataracts.

These effects are not just based on laboratory tests. In my home State of Montana I received reports from constituents complaining of eye irritations, and impaired breathing due to emissions of anhydrous ammonia.

Mr. President, because ammonia is released in such large quantities and because of its known effects, it must be regulated. That is why the bill requires that ammonia be controlled.

But the bill before the Senate recognizes that some chemicals like ammonia can be regulated as a threshold pollutant, that is, a pollutant for which there are no health and environmental effects below a certain level of exposure. In other words, there is a safe level of exposure. For such threshold pollutants the bill allows EPA to establish a safe level and only regulate emissions above the safe level.

This amendment is intended to clarify that ammonia is to be regulated as a threshold pollutant. Under this amendment EPA would be required to establish a threshold level for routine ammonia emissions and within 5 years of enactment sources with routine emissions of ammonia above the threshold would be required to apply the maximum achievable control technology to control emissions. Routine emissions of ammonia must be controlled. This amendment requires the control of these emissions in a way that is safe and is fair.

Mr. President, I must say that this change also allows feedlots and agricultural users of fertilizer to continue to operate those feedlots, and to continue to use fertilizer. It, further, by changing from a technology-based standard to a health-based standard, particularly at the end of a 5-year period, will not cause the production of ammonia to be nearly as expensive as some have feared if we continue to do so in the bill S. 1630. This is a compromise amendment. It is an amendment which recognizes the very valuable uses of fertilizer. It also recognizes that ammonia has adverse health effects that also must be controlled. It is a good compromise and an amendment which I think the Senate would be well advised to adopt.

The PRESIDING OFFICER. Is there further debate?

Mr. CHAFEE. Mr. President, this amendment by the senior Senator from Montana has received support, although it does not go as far as the Senator from Idaho would wish. Nonetheless, the Senator from Idaho has been extremely effective and helpful in trying to reach this compromise. As he mentioned, and as we recognize, this does not totally satisfy him, but, nonetheless, it is a step forward as far as he is concerned, as far as those in the agricultural communities are concerned.

Just a couple of words about ammonia. In high concentrations it can burn the eyes, and lung tissue. Standards to protect worker health from acute exposure have been promulgated by OSHA. Some plants emit ammonia at high enough levels to cause health effects. Of the 351 chemicals covered by EPA's toxic emission inventory, ammonia had the largest quantity of emissions in 1987. It is emitted by sources in 30 different industrial categories. That is where ammonia is coming from.

The bill that we are discussing here today lists ammonia as a hazardous air pollutant. The bill would require maximum available control technology for any source of ammonia greater than 10 tons. However, the bill also includes a provision that allows EPA to forego these maximum available control technologies for a pollutant like ammonia where control to that level of stringency is not necessary in order to protect the public health.

Frankly, this provision is in there to save money. The bill allows EPA to use a health standard in the first phase instead of technology. All the rest of the toxic chemicals, the 351 that we have discussed, have to go with MACT [maximum available control technology] without question. It is done. It is required. But this bill allows an exception in the case of ammonia.

This amendment confirms that this procedure should be used to set the standard for ammonia; that is, do not use the technology, the MACT standards immediately; use the health standard to start with. EPA is to define the threshold and set the ammonia level standard at that level, at the health level.

This amendment does not list ammonia as one of the substances to be controlled. It does not change the level of regulation which would otherwise have been imposed under the bill. It just assures that EPA will use this specific provision in the health standard to set the standards for ammonia. This amendment is somewhat similar to the one that we accepted on electric utility boilers during the negotiations.

So I want to thank the distinguished junior Senator from Idaho for his work on this, again recognizing that it does not completely satisfy him. It does not satisfy everybody. In some instances it does not even satisfy totally the cosponsors. But nonetheless, I think we should get on with it.

I appreciate his support and of course the leadership of the senior Senator from Montana.

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

Mr. DOLE. Mr. President, I am glad to see the Senate making progress on this important piece of legislation, particularly with regard to this amendment that is so very important to farmers, farm cooperatives, and fertilizer producers.

This amendment, the so-called Symms-Baucus amendment, is an important improvement to this bill. The amendment will make it much easier for fertilizer producers to utilize anhydrous ammonia in their production process, yet maintain the high standard of environmental protection that this bill sets.

America's farmers are probably not paying too much attention to the debate on clean air. They are getting ready for this year's planting season, probably with fertilizer decisions yet to be made.

This amendment will make it possible for the American farmer to continue to use anhydrous ammonia fertilizer in a cost-effective way.

We still have a few related issues left to resolve with regard to fertilizer. The Senate still must address accidental release provisions that are a part of the fertilizer production process. I do not believe it is the intent of Congress to leave out this important safety issue.

We also must address the issue of fertilizer nurse tanks. Farmers all over America, and in my State of Kansas, have thousands of applicator tanks that will be affected by this bill. I am hopeful we will work something out on this as well.

Mr. DIXON. Mr. President, I encourage my colleagues to support the pending amendment on ammonia. This amendment assures that ammonia will be treated properly under the air toxics section of the pending clean air bill. Ammonia accounts for about one half of all the nitrogen fertilizer

applied by American farmers. It is the lowest cost and most effective form of nitrogen fertilizer available to our farmers.

This amendment will assure that a health threshold will be established for ammonia sources. Any source of ammonia that achieves or surpasses this threshold will not be required to put on expensive controls that would not benefit the environment or public health. Ammonia is not carcinogenic, mutagenic, teratogenic, or a neurotoxic chemical; unlike the rest of the substances listed in the air toxics section of the pending bill. It is necessary, therefore, that we recognize that ammonia is different, and that it warrants the treatment this amendment will provide.

I have worked to inform my colleagues of the importance of ammonia to American agriculture. I am pleased to see that my friends, the Senators from Montana and Idaho, with whom I have worked on the ammonia issue, will soon call for a vote on this amendment. I am confident that our colleagues will agree with us that this amendment is both necessary and appropriate.

Mr. BAUCUS. 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. BAUCUS. Mr. President, I ask unanimous consent that the vote on the amendment occur at 5:15 p.m.

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

Mr. CHAFEE. Mr. President, parliamentary inquiry. During this interim, if other people want to come forward with their amendments, they would be entitled to do so?

The PRESIDING OFFICER. If the amendment can be offered under the precedents of the rules, it could occur.

Mr. CHAFEE. Mr. President, would it not be possible, if other people wanted to come over with their amendments, to set this aside, recognizing that the vote would occur at 5:15, proceed with the debate of the other amendments, and, if they extended beyond the vote, interrupt the discussion, the debate, have the vote, then go back to the amendment? Would it be possible?

The PRESIDING OFFICER. The Senator is correct in that understanding.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. The Senator from Rhode Island suggested a possible scenario under which Senators are urged now to come to the floor and offer their amendments. We have a little window here for an amendment, particularly one that might not be controversial, but even if it is controversial, we can then vote on that amendment at a later time.

So even though the pending amendment is the Baucus amendment, upon which there will be a vote at 5:15, if Senators have amendments to the bill they wish to bring to the floor, I urge them to come to the floor so that we can continue to dispose of amendments. In the meantime, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORE). The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Under the previous order, the question is on agreeing to amendment No. 1297, offered by the Senator from Montana, to amendment No. 1293, offered by the Senator from Maine, to the committee substitute.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oklahoma [Mr. NICKLES] and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—97

Adams	Fowler	McClure
Armstrong	Garn	McConnell
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Biden	Gorton	Mitchell
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boren	Grassley	Nunn
Boschwitz	Harkin	Pell
Bradley	Hatch	Pressler
Breaux	Hatfield	Pryor
Bryan	Heflin	Reid
Bumpers	Heinz	Riegle
Burdick	Helms	Robb
Burns	Hollings	Rockefeller
Byrd	Humphrey	Roth
Chafee	Inouye	Rudman
Coats	Jeffords	Sanford
Cochran	Johnston	Sarbanes
Cohen	Kassebaum	Sasser
Conrad	Kasten	Shelby
Cranston	Kennedy	Simon
D'Amato	Kerrey	Simpson
Danforth	Kerry	Specter
Daschle	Kohl	Stevens
DeConcini	Lautenberg	Symms
Dixon	Leahy	Thurmond
Dodd	Levin	Wallop
Dole	Lieberman	Warner
Domenici	Lott	Wilson
Durenberger	Lugar	Wirth
Exon	Mack	
Ford	McCain	

NAYS—0

NOT VOTING—3

Matsunaga	Nickles	Packwood

So the amendment (No. 1297) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, if I may have the attention of Senators, we are at a stage in the consideration of this bill with which Senators are all too familiar. I have been advised by a large number of Senators that they wish to offer amendments to the bill—estimates have run in the hundreds—and as of this moment the managers are here prepared to consider and debate and dispose of any amendment, but no Senator is prepared to offer it.

I encourage, indeed urge, any Senator who intends to offer an amendment to do so. Any time not spent tonight on this bill will be time spent tomorrow night, or Thursday night, or Friday night. Senators ought to take into account when making their calculations as to when is the opportune time to proceed with their amendment.

I recognize that the amendment in the nature of a substitute was not offered until yesterday, and that has handicapped some Senators who wished to address certain subjects in the compromise. However, there are many, many other amendments which were not even the subject matter of the discussions, of which Senators were aware weeks ago that they would be in a position to offer when we got the substitute on the floor. Notwithstanding that, Senators, each for individual reasons, perhaps each individually valid, are not prepared to go forward.

I simply say to Senators that it means a very long night tomorrow, a very long night Thursday, a very long night Friday, and perhaps well into Saturday. We are going to do the best we can to make progress on this bill and finish as soon as possible. Anyone who thinks they are saving themselves some inconvenience by delaying on their amendment is not only inconveniencing themselves but every other Member of the Senate.

It is still early in the legislative day at least, if not in the day by time in which ordinary citizens live and work. I simply will repeat what I have said many, many times before—that we are going to stay until we finish. I encourage those Senators who have amendments—and there are literally dozens of Senators who said "I have an amendment to offer. Do not do anything until I get to offer my amend-

ment." To come forward and do so. This is the time to do so. The managers are here ready to proceed.

So I express again the hope and the encouragement that Senators will be prepared to do so and the managers are here ready to consider, perhaps accept, in any event dispose of amendments through the evening.

Mr. President, I thank the managers for their patience. I want to thank the Senator from Idaho for his earlier cooperation in withdrawing his previous amendment, and for working out an agreement with Senator BAUCUS on an amendment on ammonia that has just been approved.

Mr. FORD. If the leader will yield, when he introduced the substitute yesterday, I want to make the point that we made a telephone call, and the substitute was on our desk in a timely fashion this morning. The GPO gave us a supply. I want to compliment them. There was no delay in getting the information to the Senators as it related to the substitute.

Mr. MITCHELL. They did. I am glad that the Senator made that statement because it was a very good effort on their part for which they are to be commended, and for which we are very grateful.

Mr. WIRTH. Mr. President, will the leader yield?

Mr. MITCHELL. Yes.

Mr. WIRTH. I thank the leader for yielding.

I and others are deeply appreciative of the work the leader has done and really, what an incredible job this was to not only get this together conceptually but also to get it all printed. For purposes just to say to the leader, if I might, there is no intent on the part of many of us who are intending to offer amendments to delay.

It takes a bit of time, as Senators will recognize, to conform our amendments to something that we received only late last night, in paginated line form today, and to put together the kind of amendments with other Senators who are also curious to make sure that their interests and their concerns are not in the bill or how they are in the bill. It is just taking a period of time.

Senator ARMSTRONG and I intend to be offering a package of amendments familiar to the committee early tomorrow as soon as we can. We have been meeting as a group, as the leader knows. A number of us informally related to a variety of amendments on enforcement and radio nuclear mobile forces and so on, and attempting to schedule those out in a timely way. We are doing the best we can, but it takes a period of time to make sure that each Senator and each Senator's State's concerns are reflected as they should be in the amendments which are important in this very, very important legislation.

So we recognize the urgency which the leader has just expressed, but we are also doing our best to put together the most comprehensive and most thorough job that we can to reflect interests that we think may have been forgotten or neglected or not fully understood by other drafters of the compromise.

So we are doing the best we can. We really appreciate the work that the leader and Senator BAUCUS, Senator CHAFEE, and others have done.

I thank the leader for yielding.

Mr. SARBANES. Will the leader yield for a question?

Mr. MITCHELL. Yes, certainly.

Mr. SARBANES. I understand from what the leader said that the normal rules on scheduling for this week do not apply, that we are going to stay, I take it, with this bill in an effort to finish it before the recess.

Mr. MITCHELL. That is my hope and intention. I would like to try to finish this bill if it is at all possible.

Mr. SARBANES. The late evenings, early Fridays, all of that is not applicable now at this point. Is that correct?

Mr. MITCHELL. That is correct. Yes. As Members of the Senate know, for the past few weeks there has been a relatively light floor schedule with no votes on Mondays, no votes on Fridays, and no votes beyond an early hour in the evening. There comes a time, much as I would like to accommodate each Senator's individual schedule, that we have to get the business before us done. We are going to simply have to stay here until we finish this bill.

Mr. BREAUX. Will the leader yield?

Mr. MITCHELL. Yes.

Mr. BREAUX. I just pose a question. Do we know of any amendments that are being prepared for consideration tonight? Have we been notified of anybody ready to go this evening? Are there amendments that we expect to go to this evening, or generally are we just on the bill?

Mr. MITCHELL. The reason I made this statement is because we have not only not had anyone propose an amendment, but the managers have been actively contacting the Senators who said they intend to offer amendments to ask them to come forward with their amendments. But they have not done so.

So as I understand it, right now there is no amendment pending and there is no one prepared to offer an amendment. I simply say to Senators that might mean we will leave a little early tonight, but it means a lot later tomorrow night, a lot later Thursday night, a lot later Friday, and maybe Saturday. Senators have a choice of accommodating their schedule in this manner. We simply cannot permit legislation of this magnitude not to proceed because no Senator wants to come forward and offer an amendment.

There is nothing new on the legislative process. All of us are familiar with it. We encounter it repeatedly on major legislation. It usually results in enormous inconvenience to a large number of Senators at a later point in time, and I fear and expect that is what is going to happen here.

So the managers are here. We will remain now for some time in the hope, perhaps in vain, that this exhortation has aroused someone's conscience and concern, and will induce them to come forward with an amendment.

As I said, we have had Senators say that they have 10, 15, 20, 30 amendments that they want to offer. I have received numerous letters from Senators saying "I have a lot of amendments I want to offer. Please do not make any agreement on the bill until I have a chance to offer my amendment." I have had many Senators speak to me personally, as has the distinguished manager on our side, and I am sure on the other side. Yet here we are ready to go, and we do not have anyone with an amendment ready to go.

We will remain for awhile, and perhaps have a general debate if anyone wishes to address the bill. Then I will have an announcement soon about that.

But I just repeat again so there cannot be possibly any misunderstanding. We are going to stay here. I understand that there is a dinner tomorrow evening put on by the Senate wives. We will obviously have to accommodate that at least for a brief period of time. But Senators should plan on returning to the session following a brief period of time for that dinner remaining here very late tomorrow night, very late Thursday night, on Friday, and on Saturday if necessary. We just are going to proceed until we see some progress on this very important legislation.

Mr. SARBANES. Will the leader yield for a further question? Have the managers developed a list of the amendments that are going to be offered? Have they been able to do that yet?

Mr. MITCHELL. No. We do not even have that yet. As the previous colloquy disclosed, there are several Senators who are working together to coordinate a series of amendments. I had been under the impression that several of them would be offered today. But we are advised that is not the case, and that those will be offered tomorrow.

Mr. SARBANES. Perhaps, now that the leader has made it clear his intention to stay on this bill into and through the end of this week, it might be possible to develop such a list, and then structure an orderly consider-

ation of those amendments over the next 3 days that will then lead to the disposing of them and conclusion of the work on this bill. I do not know whether that is possible. I just throw it out as a suggestion.

Mr. MITCHELL. I think it is a very good suggestion. I believe that is the intention of the managers of the bill.

Mr. President, I will ask Senator BAUCUS and Senator CHAFEE if they wish to add anything in this regard.

Mr. CHAFEE. Mr. President, the welcome sign is out. Everybody, olly olly in free; bring in the amendments. We are here. We have flung open the golden gates and invite everybody in. All we want is just a few amendments. They do not have to be big and complicated—just a few. It is 10 minutes to 6. What kind of a teaser can we put out there, Mr. Leader?

Maybe there should be bonuses for those——

Mr. MITCHELL. Early credits, it is called under the bill.

Mr. CHAFEE. They might get some credits under the acid rain provision; all those who bring in early amendments will get 2-for-1 credit. See if that starts an onslaught as a tantalizing suggestion.

Mr. MITCHELL. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. 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 Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 2240 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. I thank the Chair and I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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. HELMS. Mr. President, I ask unanimous consent to proceed as if in morning business.

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

TAX CHEATING BY FOREIGN FIRMS COSTING U.S. TAXPAYERS BILLIONS

Mr. HELMS. Mr. President, I have today filed a formal request with the U.S. Comptroller General, Charles A. Bowsher, asking that the General Accounting Office begin a thorough investigation of what clearly appears to be tax cheating by foreign firms operating in the United States. I have also written to President Bush urging that a maximum effort be made to collect what is owed by these foreign firms operating in the United States. As background that is essential.

More than 4 months ago, I received serious allegations that subsidiaries of foreign firms operating in the United States are cheating on their Federal taxes. The alleged cheating focused on foreign automobile companies and several billion dollars were involved.

Mr. President, I did two things with this information. First, I consulted the House Ways and Means Oversight Subcommittee quietly, and learning that the subcommittee did not have the information that had come to me, I shared the details with the subcommittee. Second, I wrote to Fred T. Goldberg, Commissioner of the Internal Revenue Service, and this was on November 6 as I recall, suggesting that the IRS expand its investigations of foreign automobile companies to include at least about but not limited to the foreign parts companies, if not foreign firms in general.

Then Christmas came and went and then the first of the year.

On February 22, the House Ways and Means Oversight Subcommittee announced that, according to the preliminary findings of the subcommittee's investigation, foreign firms' income tax payments are "unusually low" compared to their gross income.

In 1986 foreign firms operating in the United States had $540 billion in gross sales but showed a loss of $1.5 billion. Let me repeat for the purpose of emphasis, a loss for income tax purposes of $1.5 billion.

Mr. President, I confess that I find it difficult to believe that foreign firms operating in the United States could have gross incomes totaling more than half a trillion dollars and still lose money. If that were the case, you can bet your boots that foreign investors would be deserting our shores rather than flocking to them.

The House Ways and Means Oversight Subcommittee says that foreign firms are in effect "cooking their books" in a way that "inappropriately reduces U.S. taxation." That is a nice way to say tax cheating.

The Ways and Means Subcommittee also disclosed that it is looking at "improprieties by foreign-owned companies in the automobile manufacturing and electronics industries."

How much money is involved? Ways and Means says, "Billions of dollars in tax revenues may be at stake." The IRS meanwhile says that suspected tax cheating by foreign firms amounts to $12 billion, and that estimate may be low. It could be, according to other estimates perhaps a little more realistic, as high as 50 percent higher because during the decade of the 1980's, it might well exceed $50 billion, particularly if underpayment of State taxes is involved.

Mr. President, if present suspicions prove to be accurate, we are talking about $50 billion that U.S. taxpayers had to pay because foreign tax cheaters shifted the tax burden to our citizens. That is also $50 billion in extra money available to foreign firms to beat our companies in the marketplace—$50 billion more in research and development money, production plant and equipment, and all the other things that determine a winner or a loser in the marketplace.

Mr. President, I ask unanimous consent that my letters to the President and to Comptroller Bowsher, along with the February 22 statement of the House Ways and Means Subcommittee on Oversight, and the New York Times article of February 18 be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, March 6, 1990.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: More than four months ago, I received serious and credible allegations of underpayment of taxes by foreign corporations operating in the United States. I immediately brought this information to the attention of the Ways and Means Subcommittee and the Internal Revenue Service.

The Ways and Means Oversight Subcommittee has now reported its preliminary conclusions: First, foreign parents are so arranging their transfer prices with their United States subsidiaries as to "inappropriately" reduce their Federal tax liability. Second, there are allegations of "improprieties" by foreign automobile and electronics manufacturers operating in the United States. Finally, the subcommittee said, "billions of dollars of tax receipts may be at stake."

Today I have asked the General Accounting Office to open a major investigation of the transfer pricing issue. By September 1 they are to report to the Congress what is owned and the efforts to collect it. The GAS is also asked to report to Congress on the competitive impact on American firms of underpayment of taxes by their foreign competitors.

The IRS estimates that at least $12 billion is owed by foreign firms. If state taxes also are owed, the final figure could be considerably higher.

It is time to bring tax cheating by foreign firms to a halt. Not only are American taxpayers bearing an additional burden, they are subsidizing foreign firms in the U.S.

marketplace. The estimated billions of dollars owed but not paid by foreign firms were paid by American citizens. The billions of dollars which foreign firms did not pay in taxes made precisely that much more funds available for their research and development, product plant and equipment and finally, acquisition of American firms.

At the same time that foreign firms are not paying their fair share of taxes, the federal budget remains in deficit, Gramm-Rudman targets are not being met, and the operation of the government is being underwritten by foreign loans.

Given what is at stake, it is vital that a renewed effort be made to collect what is due from foreign firms operating in the United States. Please allocate whatever resources are necessary at the Internal Revenue Service and the Department of Justice to ensure that equity is restored to the tax collection process.

Sincerely,

JESSE HELMS.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, March 6, 1990.

Hon. CHARLES A. BOWSHER,
Comptroller General, General Accounting Office, Washington, DC.

DEAR MR. BOWSHER: The Internal Revenue Service reports that in 1986 foreign companies operating in the United States had $540 billion in gross receipts but reported a negative tax liability of $1.5 billion. The House Ways and Means has made a preliminary investigation and found that foreign companies are setting transfer prices with their U.S.-based subsidiaries so that they are "inappropriately" reducing U.S. taxation. The Subcommittee has found "allegations of improprieties by foreign-owned companies in the automobile manufacturing and electronics industries."

I urgently request that a major investigation be conducted relating to the entire issue of transfer pricing practices by foreign firms operating in the United States. At a minimum, the following questions should be answered:

1. How much is owed?
2. Why has the IRS failed to collect it?
3. Have there been attempts by foreign governments, corporations or their agents to lobby or influence the Department of the Treasury or Internal Revenue Service regarding the transfer tax issue?
4. Do the "improprieties" extend beyond the automobile manufacturing and electronics industries?
5. Are foreign parent firms avoiding State taxes also?
6. What is the competitive impact on American firms as a result of underpayments of taxes by foreign competitors?

The Ways and Means Oversight Subcommittee reports that "billions of dollars of tax reveneus may be at stake." Because of the potential scope of this matter it is imperative that whatever resources that may be necessary be committed to this report and that a final draft be available on or before September 1, 1990.

Sincerely,

JESSE HELMS.

[Press Release]

HON. J.J. PICKLE, CHAIRMAN, SUBCOMMITTEE ON OVERSIGHT, COMMITTEE ON WAYS AND MEANS, ANNOUNCES SUBCOMMITTEE INVESTIGATION OF TAX UNDERPAYMENTS

The Honorable J.J. Pickle (D., Texas), Chairman of the Subcommittee on Oversight, Committee on Ways and Means, U.S. House of Representatives, announced today that the Subcommittee on Oversight is continuing to investigate individual and corporate noncompliance with Federal tax laws, as part of its 1989-90 "tax gap" analysis. The Subcommittee is examining noncompliance by U.S. subsidiaries of foreign-owned companies to determine the extent to which these firms are underpaying corporate income taxes in the United States, and how it is being done.

Preliminary findings of the Subcommittee's investigation confirm that the level of tax payments of foreign-owned businesses in the United States is unusually low relative to the rise in their gross income. According to recent Internal Revenue Service (IRS) statistics, foreign-owned companies operating in this country are paying lower taxes overall than American-owned companies with a similar total sales. In 1986, foreign-owned companies reported more than $540 billion in gross receipts and a negative tax liability of $1.5 billion. The main issue in many cases relates to the fact that a significant number of foreign parent companies are setting transfer prices with their U.S. subsidiaries in a way which inappropriately reduces U.S. taxation.

Chairman Pickle stated: "The Subcommittee is looking at compliance with section 482 of the Internal Revenue Code, generally, and specific allegations of improprieties by foreign-owned companies in the automobile manufacturing and electronics industries. I expect the Subcommittee to hold a hearing on this matter in the near future.

"The Subcommittee understands that the IRS audits certain U.S. subsidiaries of foreign firms year after year, constantly raising the same transfer pricing issue. It appears from our preliminary investigation that some very large foreign firms are routinely shifting income from their U.S. subsidiaries, thus reducing U.S. tax obligations. Billions of dollars in tax revenues may be at stake.

"Last year we enacted Code section 6038A which strengthened the ability of the IRS to pursue these cases. We will continue to monitor closely the efforts and success of the IRS to enforce these laws and collect taxes owed to the U.S. Government."

[From the New York Times, Feb. 18, 1990]

I.R.S. INVESTIGATING FOREIGN COMPANIES OVER UNITS IN U.S.: LOW TAX PAYMENTS CITED

(By Robert Pear)

WASHINGTON.—Bolstered by new auditing powers, Federal tax officials are investigating many American subsidiaries of Japanese companies on the suspicion that they have underpaid corporate income taxes by billions of dollars.

As foreign-owned assets in the United States more than tripled in a decade to $1.8 trillion, the gross income foreign-owned companies made here more than doubled. But the total taxes they paid hardly changed, data compiled by the Internal Revenue Service show. Of the 36,800 foreign-owned companies filing returns in 1986, more than half reported no taxable income.

Tax officials assert that some subsidiaries understate income, thus minimizing tax liability, by manipulating transactions with parent companies. But the I.R.S. has been frustrated in efforts to audit these companies' returns because important financial records are often kept at headquarters abroad, in foreign languages, with much less detail than would be required in the United States.

NEW POWER FOR THE I.R.S.

To aid I.R.S. investigations, Congress has provided an important tool. Under a provision of a law signed by President Bush on Dec. 19, Congress gave the tax agency broad authority to assess taxes on foreign-owned companies that fail to comply promptly with demands for any records or testimony. Those that do not cooperate can be fined up to $10,000 a month, with no limits on the cumulative penalty.

"We don't target a particular country for enforcement," said Charles S. Triplett, deputy associate chief counsel of the tax agency. "Nonetheless, it's pretty clear that the Japanese do a lot of business here and have many U.S. subsidiaries acting as distributors of manufactured goods."

Multinational companies, including those based in the United States, face difficult tax questions all the time because they do business in countries with widely varying tax systems. Allocating income and deductions among national units of a multinational company is thus a complex area of tax law.

EXPORTERS FEEL TRAPPED

Tadashi Iwashita, a financial counselor at the Japanese Embassy here, said that Japanese companies conscientiously tried to comply with American tax laws. The Japan Tax Association, a group of tax experts from major Japanese companies, said the I.R.S. was partly to blame because it had not established "concrete guidelines" for determining the appropriate price in transactions between units of a multinational company.

One I.R.S. official said suspected underpayments amounted to at least $12 billion. Critics of the I.R.S. say the agency sometimes cites extreme cases or amounts to support its contention that the Government has been cheated. But tax experts, accountants and economists outside the Government say tens of billions of dollars are at issue in cases, involving Americans affiliates of foreign companies.

I.R.S. data show that in 1986 American subsidiaries of foreign companies took tax deductions of $544 billion against total receipts of $543 billion.

A recent study by the Congressional Joint Committee on Taxation expressed concern about the issue. "There is some indication that the level of tax payments of foreign-owned businesses in the United States is unusually low," the report said.

The law has important implications for American distributors of cars and electronic goods made in Japan. The law applies to all foreign-own businesses, but Japanese-owned companies have attracted I.R.S. attention because they are active in manufacturing industries where Federal investigators have found a potential for abuse.

Federal tax officials say American distributors of foreign-made goods can reduce their profits, and thus their tax liability, by paying high prices to the parent corporations for goods, services and technology. Under Federal law, a parent company is supposed to charge its subsidiary the same price as a buyer would pay an unrelated seller in the open market—the arms' length price.

The Internal Revenue Service, responding to a big increase in foreign investment in the United States, says that "the examination of transactions between foreign parents and their U.S. affiliates will become an in-

creasingly important part" of this enforcement work.

"A CLEAR PATTEN"

Alexander Zakupowsky, Jr., a lawyer for the American subsidiary of the Yamaha Motor Company said, "There is a clear patten of the I.R.S. looking at the importation of Japanese products into the United States."

Yamaha makes motorcyles. Its American subsidiary imports and distributes them. In a case pending in the United States Tax Court, the I.R.S. asserts that Yamaha's American affiliate understated its income and overstated the amount it paid to the parent company for motorcycles and related products. It contends that the subsidiary underpaid income taxes by a total of $133 million from 1977 through 1984 and is trying to collect the amount, plus $13 million in penalties.

The taxation of foreign companies doing business in the United States, an esoteric area of tax law for many years, has suddenly attracted the attention of politicians concerned about foreign investment and trade.

Representative Richard A. Gephardt of Missouri, the leader of the Democratic majority in the House, and Senator Jesse Helms, Republican of North Carolina, have expressed concern that foreign-owned companies are paying lower taxes than American-owned companies with similar sales.

"That is wrong, and we've got to do something to turn it around," Mr. Gephardt said. Mr. Helms asserted that the disparities gave foreign-owned companies an unfair competitive edge.

James F. Wheeler, a professor of accounting at the University of Michigan in Ann Arbor, who worked for the I.R.S. on sabbatical leave in 1986-87, said: "On the average, foreign owned U.S. corporations pay substantially less tax to the U.S. Government than the American firms with which they compete."

They also report lower profits. "The extremely low rate of return on the assets of U.S. companies owned by foreign corporations is astonishing and unbelievable," Mr. Wheeler said. "In my view, they are just trying to avoid U.S. income tax."

TOLERATING LOW PROFITS

Japanese executives, lawyers and accountants say Japanese companies are often willing to accept low profits for a decade or more while they try to gain a foothold in the American market. But American officials say the subsidiaries of Japanese companies continue reporting low profits long after they have gained a secure position.

As part of its investigation, the I.R.S. has retained an economist to collect information in Japan on taxes paid by Japanese companies that do business in the United States. The economist, Kozo Yamamura, is a professor at the University of Washington in Seattle and has edited an important study of Japanese investment in this country.

In a typical case, the Federal Government asserted in the early 1980's that the Toyota Motor Corporation in Japan had records needed by the I.R.S.

Federal auditors issued a summons for huge amounts of confidential business data kept at Toyota's Japanese headquarters. They wanted to see if Toyota was charging American distributors more than it charged Japanese car dealers for the same cars.

MORE TAXES WERE PAID

Toyota fought the summons. The case ended in 1987, when Toyota's American sales unit was reported to have paid an undisclosed amount of additional taxes.

Michael F. Patton, an international tax lawyer who used to work at the International Revenue Service and now works at Ernst & Young, the accounting firm, said: "The new law puts a lot of power in the hands of I.R.S. agents. If they conclude that a foreign-owned company has not complied with a request for information, they can make an arbitrary assessment of taxes."

Under the law, if the tax agency requests records and a foreign-owned company fails to produce them, the Government can levy taxes solely on the basis of information available to the I.R.S., without regard to data that might later be supplied by the taxpayer.

"Foreign companies will not like this law in the least," said John E. Lanman, international tax partner at Ernst & Young. "They will see it as an intrusion on their business, a violation of natonal sovereignty. Many Japanese companies are very concerned about what they see as the Draconian powers given to I.R.S."

Mr. HELMS. Mr. President, I thank the Chair. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WIRTH). The clerk will call the roll.

The bill 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.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, I am advised by the managers that up to as many as four amendments will be offered this evening that can be worked out and will not require rollcall votes. So the proceedings on the bill will continue with respect to those four amendments. However, no controverted amendments that will require rollcall votes have been presented for consideration this evening. Accordingly, there will be no further rollcall votes this evening.

The Senate will come into session at 9 a.m. tomorrow and be back on the bill at 9:30. In view of the fact that so little progress was made today, Senators should be prepared for a very long day tomorrow, extending throughout the entire evening, with a brief window for the Senate wives' dinner but returning to session after the dinner tomorrow evening.

I think it almost certain that the same will be true of Thursday and Friday as well. Senators should be prepared to make their plans accordingly. I understand a large number of Senators, who had previously indicated that they have amendments to offer, have now indicated that they will be prepared to offer them tomorrow. So I anticipate if that is the case, there will be a number of votes tomorrow on this legislation.

I thank the managers again for their patience and cooperation, and I look forward to a productive day tomorrow on the bill.

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

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

AMENDMENT NO. 1303 TO AMENDMENT NO. 1293

(Purpose: To monitor the acid rain program in Canada and to facilitate the flow of information between the United States and Canada regarding acid rain reduction techniques)

Mr. McCONNELL. 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 Kentucky [Mr. McCONNELL] proposes an amendment numbered 1303.

Mr. McCONNELL. 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:

At the end of title IV of amendment 1293 add the following new section:

"SEC. .

"The Administrator of the Environmental Protection Agency, in consultation with the Secretary of State, the Secretary of Energy, and other persons the Administrator deems appropriate, shall prepare and submit a report to Congress on January 1, 1994, January 1, 1999, and January 1, 2005.

"The report to Congress shall analyze the current emission levels of sulfur dioxide and nitrogen oxide in each of the provinces participating in Canada's acid rain control program, the amount of emission reductions of sulfur dioxide and oxides of nitrogen achieved by each province, the methods utilized by each province in making those reductions, the costs to each province and the employment impacts in each province of making and maintaining those reductions. Beginning on January 1, 1999, the reports shall also assess the degree to which each province is complying with its stated emissions cap."

Mr. McCONNELL. Mr. President, I rise to offer an amendment to amendment No. 1293 which is designed to accomplish two things. First, it will ensure that we know whether or not efforts by the United States to reduce acid rain will be reciprocated in Canada. Second, it will facilitate the flow of information on acid rain reduction techniques between the two countries.

Experts tell us that acid rain is a global problem because it involves the transboundary flows of "acid rain precursors." Some of the acid rain produced in this country falls in Canada and some of the acid rain produced in Canada falls in the United States.

Partly at the request of our Canadian neighbors, we are about to impose upon ourselves a very strict acid-rain reduction program which, I fear, will cause extreme economic hardship on many regions of this country, particularly in the Midwest and in my State of Kentucky.

A major part of that program, as we all known, will be a cap on national emissions of sulfur dioxide and nitrogen oxides after the year 2000.

As a nation, we will pay a price to meet the standards of this program. Jobs will be lost, workers will be dislocated, utility rates will rise, and many businesses will be forced to shut down.

The absolute cap on emissions will hinder our ability to cost-effectively generate electric power and this, Mr. President, will certainly hinder economic growth and negatively impact our energy and national security.

Our Acid Rain Progam will be strictly enforced. The bill we are considering expands and strengthens the enforcement provisions of the current Clean Air Act by expanding the list of actions for which civil and criminal penalties can be applied. In other words, violators of the Acid Rain Program may go to jail.

Indeed, Mr. President, this country will pay a high price to reduce its contribution to the global acid rain problem. However, because the United States is only one of many countries contributing to this global problem, and because the price we will pay could be staggering, it seems to me only prudent that, as we embark on this program, we take steps to ensure that other nations which contribute to the problem are also doing their part to clean up.

Canada currently has an acid rain program in place. The goal of this program is a 50-percent reduction in national sulfur dioxide emissions by 1994. Also, each province participating in the program has agreed to cap its emissions in perpetuity at 1994 levels. The Canadians believe this is an important aspect of their program.

The Canadians also believe that for any United States acid rain program to be credible, it must also have an absolute cap on emissions. They have spent a great deal of time and money lobbying the U.S. Congress to ensure our program has such a cap and it appears that those efforts have paid off.

The point that troubles me, Mr. President, relates to the enforcement of the Canadian program. The fact is, there is no enforcement mechanism within the Canadian program. The post-1994 cap is based on an implicit agreement by the provinces not to exceed 1994 emissions levels.

The Federal Government of Canada is largely powerless to intervene if a province decides to cancel its program or to exceed its 1994 cap. Canadian law does allow the Federal Government to intervene if Provincial action affects transboundary flows of acid rain precursors—making it an international matter—or if there are national health effects associated with the Province's decision. In practice, though, the Federal Government can do very little.

This is in sharp contrast to the bill we are debating here today. Our bill sets a post-2000 emissions cap and clearly identifies criminal and civil penalties, to be imposed by the Federal Government, for violations of the cap.

The Canadians tell us their cap will not be exceeded because the Provincial governments have enforcement powers within their own borders. I would argue, though, that the elected officials of the Provincial governments are unlikely to enforce the standards if doing so would cause undue economic hardship on their constituents.

However, Mr. President, I am not here to criticize the Canadian program. I am simply asking for some assurance that we will know whether or not our efforts are being reciprocated by Canada.

Therefore, I propose that Congress required the Administrator of the EPA, in consultation with the Secretary of Energy, the Secretary of State, and other persons the administrator deems appropriate, to prepare and submit to Congress three reports on the progress of the Canadian Provinces in reducing acid rain and complying with their 1994 emissions cap.

The reports will detail the current emissions levels of acid rain precursors in each Province, the amount of emissions reductions achieved by each Province, the methods used to make those reductions, the cost involved, and the increase or decrease of transboundary flows of emissions between Canada and the United States.

Beginning in 1999, the reports will also assess the compliance of each Province in complying with its stated emissions cap.

These reports will serve two purposes. First, they will facilitate the exchange of information, allowing us to learn from Canada's experience and perhaps develop new cost-effective methods of acid rain control in this country.

Second, they will help us evaluate our efforts relative to Canada and ensure that both sides are doing their part to deal with this global problem.

Mr. President, I believe this is a good provision which will ensure equity on both sides of the border in dealing with this global problem. I understand there is no objective on either side of the aisle and I ask that the amendment be adopted.

Mr. BAUCUS. Mr. President, the Senator is correct. We have had opportunities to examine the amendment, and it is acceptable to this side. Essentially, it is an amendment which would direct the U.S. Government to conduct a study to determine the degree to which Canadians are meeting their SO_2 emission reductions, and whether they are meeting them on time. I think it is an appropriate amendment, and we are willing to accept it.

Mr. CHAFEE. Mr. President, I want to commend the Senator from Kentucky for this amendment. I think it is a thoughtful one.

He is quite correct in saying that a considerable thrust of this legislation has come legitimately from the Canadians, our neighbors to the north. They have felt very deeply that the amount of acid rain sulfur dioxide emissions from all powerplants have been blown by the westerlies across into Canada and have caused deleterious effects to their lakes, streams, forests, and believe that we should take affirmative action to reduce these sulfur dioxide emissions and nitrous oxides.

We are undertaking it in the course of this legislation.

Likewise, they have assured us that they are going to take steps, and I think the legislation that the Senator from Kentucky is suggesting is good, and it will be a form of report by the Administrator of EPA as to the progress that not only the Federal Government is making, but each of the individual Provinces are making. So I think that will be helpful to us.

I commend the Senator, and it is acceptable by this side.

Mr. McCONNELL. I thank my friend from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator BYRD be added as a cosponsor to the McConnell amendment.

The PRESIDING OFFICER. Is there further discussion on the amendment of the Senator from Kentucky? If not, the question is on agreeing to the amendment.

The amendment (No. 1303) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1304 TO AMENDMENT NO. 1293

Mr. McCONNELL. 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 Kentucky [Mr. McCONNELL] proposes an amendment numbered 1304 to amendment No. 1293.

Mr. McCONNELL. 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:

At the end of title IV of amendment 1293 add the following new section:

"SEC. .

"The Secretary of Energy in consultation with the Secretary of Commerce shall provide a report to the Congress within one year of enactment of this legislation which will identify, inventory and analyze clean coal technologies export programs within United States Government agencies including the Departments of State, Commerce, and Energy and at the Export-Import Bank and the Overseas Private Investment Corporation. The study shall address the effectiveness of interagency coordination of export promotion and determine the feasibility of establishing an interagency commission for the purpose of promoting the export and use of clean coal technologies."

Mr. McCONNELL. Mr. President, my second amendment will streamline and make more efficient the Federal Government's efforts to export clean coal technologies.

I, and many of my colleagues in this Chamber, support Federal, State, and industry efforts to expand the export of U.S. coal to overseas markets. We also would like to see the developing countries integrate coal more fully into their energy mix. Unfortunately, global environmental concerns have hindered efforts to do so.

However, there appears to be an answer to this dilemma. In its annual report to Congress on the Clean Coal Technology Demonstration Program, dated February 1989, the Department of Energy states that—

These technologies will reduce and/or eliminate the economic and environmental impediments that limit the full consideration of coal as a future energy resource.

Mr. President, exporting clean coal technologies will open new overseas market opportunities for U.S. coal and help mitigate some of the job loss that will occur under this acid rain legislation.

Also, exporting clean coal technologies will help the United States renew its technological leadership in a growing world market for coal utilization techniques and will improve our balance of trade.

Mr. President, there are currently several clean coal technology export promotion programs operated by a variety of U.S. governmental and quasi-governmental agencies. Government officials operating these programs, as well as the industries involved in the development of clean coal technologies, agree that Federal export promotion programs serve a very useful purpose, but that room exists for better coordination of the programs and the agencies overseeing them.

My amendment simply asks that the President provide to Congress a report which will identify, inventory, and analyze clean coal technology export programs operated by U.S. Government and quasi-government agencies.

The purpose of the study is to improve the effectiveness and efficiency of interagency coordination of export promotion and to determine the feasibility of establishing an interagency commission to centralize the promotion of clean coal technology exports.

Mr. President, this amendment has the support and endorsement of the Federal official closely involved in the export promotion program. It was, in fact, approved by this body last session. However, at the request of the relevant conferees from the other body, the provision was dropped.

It is my understanding that the other body has now agreed to the amendment and it may, in fact, be included in their version of clean air legislation.

So Mr. President, bearing that in mind and understanding that there is no objection, I hope my amendment will be approved.

Mr. BAUCUS. Mr. President, we have examined this amendment as well. It is a good idea. It is helpful to export clean coal technologies overseas, and the study will be very helpful to reach that goal. We are prepared to accept the amendment.

The PRESIDING OFFICER. Is there further discussion of the amendment?

Mr. CHAFEE. I commend the Senator again for this thoughtful amendment. It is an amendment he presented previously that was adopted. I think it is helpful for the coal technology to have a worldwide market, and this would encourage the sales of that type of equipment. It is a good suggestion, and this side supports it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment (No. 1304) was agreed to.

Mr. BAUCUS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1305 TO AMENDMENT NO. 1293

Mr. BAUCUS. Mr. President, on behalf of Senator BENTSEN and Mr. GRAMM, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. BENTSEN, and Mr. GRAMM, proposes an amendment numbered 1305.

Mr. BAUCUS. Mr. President, I ask that reading of the amendment be dispensed with.

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

The amendment is as follows:

Section of the bill is hereby amended to read as follows:

"( ) NATIONAL URBAN AIR TOXICS RESEARCH CENTER.—

"(1) The Administrator shall oversee the creation of a National Urban Air Toxics Research Center, to be located at a university, a hospital or other facility capable of undertaking and maintaining similar research capabilities in the areas of epidemiology, oncology, toxicology, pulmonary medicine, pathology and biostatistics. The geographic site of the National Urban Air Toxics Research Center shcuild be further directed to Harris County, Texas, in order to take full advantage of the well developed scientific community presence currently on-site at the Texas Medical Center as well as the extensive data previously compiled from the comprehensive monitoring system currently in place."

"(2) The National Urban Air Toxics Research Center shall be governed by a Board of Directors to be comprised of nine members, the appointment of which shall be allocated pro rata among the Speaker of the House, the majority leader of the Senate and the President. The members of the Board of Directors shall be selected based on their respective academic and professional backgrounds and expertise in matters relating to public health, environmental pollution, and the industrial hygiene. The duties of the Board of Directors shall be to determine policy and research guidelines, submit views from Center sponsors and the public and issue periodic reports of Center findings and activities."

"(3) The Board of Directors shall be advised by a Scientific Advisory Panel, the thirteen members of which shall be appointed by the Board, and to include eminent members of the scientific and medical communities. The Panel membership may include scientists with relevant experience from the National Institute of Environmental Health Sciences, the Center for Disease Control, the Environmental Protection Agency, the National Cancer Institute and others, and the Panel shall conduct peer review and evaluate reserach results. The Panel shall assist the Board in developing the research agenda, reviewing proposals and applications and advise on the awarding of research grants."

"(4) The Center shall be established and funded with both Federal and private source funds."

Mr. BAUCUS. This is an amendment offered on behalf of Senator BENTSEN and Senator GRAMM. Essentially, it would create the National Urban Air Toxics Research Center to be located in the Houston area of Texas. Essentially, it is to undertake various studies in areas of epidemiology, oncology, toxicology, pulmonary medicine, pathology, and other related studies, particularly with respect to air toxics.

I think it is a very appropriate amendment, because the State of Texas is probably more heavily impacted compared to any other State by the air toxics provisions of this bill.

It is therefore altogether appropriate, first, that a research effort like

this be undertaken and, second, that it be undertaken where the problems occur. They occur all over the country, but they particularly occur in industrialized portions of the country, and that is obviously in Texas.

Mr. President, I urge the Senate to adopt the amendment. I think it is a good idea.

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

The question is on agreeing to the amendment of the Senator from Montana.

The amendment (No. 1305) was agreed to.

Mr. BAUCUS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2742. An act to extend and amend the Library Services and Construction Act, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PRYOR, from the Special Committee on Aging:

Special Report entitled "Developments in Aging, 1989, Volumes 1 and 2" (Rept. No. 101-249).

By Mr. PELL, from the Committee on Foreign Relations, with an amendment and with a preamble:

H. Con. Res. 258. Concurrent resolution congratulating the President of Honduras, Rafael Callejas, on his election and offering good wishes for the success of his administration.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amended preamble:

S.J. Res. 75. Joint resolution relating to NASA and the International Space Year.

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S.J. Res. 246. Joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379.

S. Con. Res. 92. Concurrent resolution to commemorate the Treaty of Amity and Commerce of 1833 between the United States and Thailand.

S. Con. Res. 97. Concurrent resolution expressing the sense of the Congress with respect to popular anti-Semitism in the Soviet Union.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Robert William Farrand, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua, New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Solomon Islands, and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Robert William Farrand.

Post: U.S. Ambassador to Papua, New Guinea.

Contributions, amount, date, and donee:

1. Self: None

2. Spouse, $25, 1988, Democratic National Committee.

3. Children and spouses names: William Patrick, N/A. Michael Joseph, $100, October 10, 1985, Democratic Party. Carol Elaine, N/A.

4. Parents names: Both parents are deceased.

5. Grandparents names: Grandparents are deceased.

6. Brothers and spouses names: Frederick Joseph (unmarried) N/A. Thomas Walter (unmarried) N/A. John Michael N/A. Wife: Janet, N/A.

7. Sisters and spouses names: Miller, Therese, N/A. Husband, Kenneth, N/A. Flanagan, Elizabeth Ann, N/A. Husband, John J., N/A.

J. Steven Rhodes, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Zimbabwe.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: J. Steven Rhodes.

Post: Ambassador to Zimbabwe.

Contributions, amount, date, and donee:

1. Self: $1,000, 1985, Fund for America's Future; $1,000, March 1986, Smith Barney Better Government Com.; $200, May 1986, Antonovich for Senate; $300, September 1986, Antonvich for Senate; $500, Ed Zschau for Senate; $300, Dixon for Congress; $1,000, 1987, Smith Barney Gov't Fund; $1,000, George Bush for President; $50, Republican National Committee; $50, 1988 Republican National Committee; $200, Lynne Martin.

2. Spouse: None.

3. Children and spouses names: Christian Rhodes.

4. Parents names: Jones Rhodes (deceased), Ethel Rhodes.

5. Grandparents names: Joseph and Alice Williams Claiborne (deceased), Georgiana Howard, Jones Rhodes.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Joyce M. McGhee (divorced), none; Shirley and Ralph Clark, Eleanor C. Woods (divorced), none; Sheila and Milton Lebo, none.

David C. Fields, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Director of the Office of Foreign Missions, with the rank of Ambassador.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: David C. Fields.

Post: Director, Office of Foreign Missions.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: None.

4. Parents names: Claudia Fields, none.

5. Grandparents names: N/A.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Pat Groves, none.

Susan Jane Koch, of the District of Columbia, to be an Assistant Director of the Arms Control and Disarmament Agency;

Bradley Gordon, of Virginia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency;

Michael Lorne Moodie, of Maryland, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency;

Larry K. Mellinger, of California, to be U.S. Executive Director of the Inter-American Development Bank for a term of 3 years;

Hilary Paterson Cleveland, of New Hampshire, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada; and

Ronald William Roskens, of Nebraska, to be Administrator of the Agency for International Development.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably two nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORDS of January 23 and February 28, 1990, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

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. BURNS:

S. 2235. A bill to provide for the disposition of certain Federal lands created from the public domain in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCONNELL:

S. 2236. A bill to amend the Housing Act of 1949; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROTH (for himself, Mr. KASTEN, and Mr. SYMMS):

S. 2237. A bill to amend the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) to authorize the Secretary of Transportation to take action to encourage the removal of certain model year vehicles from use; to the Committee on Commerce, Science, and Transportation.

By Mr. SHELBY:

S. 2238. A bill to amend the Solid Waste Disposal Act to grant States the authority to regulate the interstate disposal of hazardous waste and solid waste; to the Committee on Environment and Public Works.

By Mr. PELL:

S. 2239. A bill to amend title 10, United States Code, to require sealed bids and competitive proposals for the procurement of professional services by the Department of Defense to be evaluated on the basis of a 40-hour work week; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. CRANSTON, Mr. HATFIELD, Mr. BENTSEN, Mr. WILSON, Mr. MOYNIHAN, Mr. D'AMATO, Mr. ADAMS, Mr. CHAFEE, Mr. KERRY, Mr. SIMON, Mr. SARBANES, Mr. RIEGLE, Mr. INOUYE, Mr. JOHNSTON, Mr. DODD, Mr. LAUTENBERG, Mr. METZENBAUM, Mr. GLENN, Mr. PELL, Mr. BRADLEY, Mr. GORE, Ms. MIKULSKI, Mr. LIEBERMAN, and Mr. SPECTER):

S. 2240. A bill to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GRAHAM (for himself and Mr. MOYNIHAN):

S. 2241. A bill to provide scholarships to law enforcement personnel who seek further education; to the Committee on the Judiciary.

By Mr. THURMOND:

S.J. Res. 267. Joint resolution to authorize and request the President to designate May 1990 as "National Physical Fitness and Sports Month"; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself and Mr. DURENBERGER):

S.J. Res. 268. Joint resolution to designate April 6, 1990, as "National Student-Athlete Day"; to the Committee on the Judiciary.

By Mr. D'AMATO:

S.J. Res. 269. Joint resolution authorizing and requesting the President to designate the second week of March 1990 as "National Employ the Older Worker 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. DOLE (for himself and Mrs. KASSEBAUM):

S. Res. 259. Resolution recognizing the contributions of the Hugoton Gas Field to the Nation; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS:

S. 2235. A bill to provide for the disposition of certain Federal lands created from the public domain in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

MONTANA FEDERAL LANDS MANAGEMENT ACT OF 1990

Mr. BURNS. Mr. President, I rise today to introduce the Montana Federal Lands Management Act of 1990. Since the passage of the Wilderness Act in 1964, 3,400,000 acres of land have been designated wilderness in Montana. Still today we have another 6,000,000 acres of roadless land in Montana that has to be dealt with. The debate has raged on for more than a dozen years over the fate of these roadless lands. Although we are closer to resolving the debate today than we were 12 years ago, we are still a way off from reaching the necessary compromise.

Folks on both sides of the issue have become severely polarized on this issue. This has made it even more difficult for Montana's congressional delegation to reach an acceptable compromise.

Several statewide wilderness bills for Montana have been introduced in Congress during the past dozen years. In fact we have had four different bills introduced since 1986. These bills all used the same approach, of a single statewide wilderness bill, to try to resolve the issue. Ultimately, all of these bills failed.

Montana is one of only two states that have not now passed statewide wilderness legislation. Frankly, the prospects for doing so in the near future aren't very rosy. After all of the debate and negotiations it seems that folks on all sides are still just too far apart. At various times the Montana delegation has worked on a strict consensus basis, wherein any one member could hold up any particular area if he had an objection to its inclusion in a bill. At other times individual members stepped out and introduced wilderness bills of their own. As I said before, none of these approaches succeeded. I believe it is now time for a fresh, news and innovative approach to resolving this debate.

The bill I am introducing today is a new approach to the issue. My bill does not completely resolve the issue; however, I believe my bill will serve to break this large and controversial issue into smaller more easily resolved issues. This bill will serve as a platform and be but one of a series of bills aimed at resolving not only the roadless debate but also the appeals problems and the timber supply crisis facing Montana. The problem our natural resource dependent industries in Montana face is multifaceted, and will require a multifaceted approach to be solved.

The timber industry is in a crisis. Data compiled by the Bureau of Business and Economic Research at the University of Montana shows that between 800 and 1,200 jobs per year will be lost over the next 2 years due to timber shortages in western Montana. That could be as much as a fifth of our timber jobs. Montanans cannot afford to lose these jobs.

My approach is logical and reasonable. It is a commonsense approach to break a contentious logjam. Western district Representative PAT WILLIAMS introduced a similar bill in 1981. What was a good approach then is even better now. We haven't gotten anywhere since 1981. Oil and gas development has nearly dried up and blown away. Future growth in tourism in Montana is in increasing motorized access. Ranchers rely on public grazing for their livestock. We cannot seem to agree on how to resolve the entire, complex question, so a simple first step is even more compelling today.

Resolving the question of wilderness designation versus management for other multiple uses is only a partial solution to the problems we face in Montana. However I believe it is a critical first step. The Forest Service will still be hampered on individual projects by seemingly endless appeals—appeals that have served to dry up the supply of timber from Federal lands. There is still the overall question of what level of commodities should be produced from our national forests. These questions will all have a bearing on a solution to the timber supply crisis we currently face in Montana. I am committed to continuing to work to resolve these other issues as well. As I said

before, I believe this bill is a critical first step.

Montana has 6 million acres of roadless land. Every previous wilderness proposal including the wilderness advocates alernative W proposal, would have released nearly 3 million acres to multiple use other than wilderness. Within all of these proposals I have identified the same 2,800,000 acres that have never been seriously considered for wilderness. Despite the fact that these noncontroversial lands have never been proposed for wilderness, they have been, and continue to be, held hostage while the debate goes on over the controversial lands. I do not believe this is fair.

This bill releases those 2,800,000 acres of noncontroversial lands to the Forest Service, to be managed according to the Land and Resource Management Plans. This will allow the Forest Service to get on with some of the management of these lands. This will also help to more narrowly focus the debate on the remaining roadless land.

While releasing some land, I also believe it is fair to approach the issue from the other side, that is, to designate as wilderness the lands which are not controversial. These lands appear to total approximately 620,000 acres. These areas have all been recommended for wilderness designation by the Forest Service through the land and resource management plans, and also have been included in most recent Montana wilderness bills.

Eastern Montana College has taken polls in the State that show that clearly 70 percent or more of Montanans believe we have enough wilderness and do not want any more. In spite of this strong opposition to more wilderness, I am including in this bill the designation of some 620,000 acres of additional wilderness for Montana. I fully recognize that in order to get to a full and complete resolution of the wilderness debate, some amount of wilderness will have to be designated. This is the reality of the situation.

I am proposing this bill which releases approximately 2,800,000 acres to multiple use and designates 620,000 acres of wilderness to help move the process forward. It will solve part of the controversy and serve as a platform for building a larger, more comprehensive solution to the overall land management debate in Montana.

I have included within this bill provisions which, I believe, will provide adequate protection of existing water and grazing rights. The Wilderness Act of 1964 provided for the continuation of livestock grazing in wilderness areas, where that practice already existed. I want to make it abundantly clear that the ability to graze in wilderness must continue.

All of the areas being designated wilderness by this act are headwaters areas. However, this does not preclude the need to address the water rights question. The 1964 Wilderness Act did not address wilderness water rights. It is clear that Congress did not intend either express or implied Federal reserved water rights for wilderness. I have included in this bill language that clearly protects existing water rights and reaffirms that the State of Montana water laws are preeminent in relation to the reservation of water rights in Montana. This will be even more important as we begin to review downstream areas for possible inclusion in the National Wilderness Preservation System.

I have also included updated release and sufficiency language in this bill. We have final, completed forest plans for all 10 national forests in Montana. During the land management planning process, the Forest Service once again reviewed all roadless areas and evaluated them for their wilderness attributes. These forest plans have superseded the old Rare II evaluations. My changes to the language reflect this. I have also strengthened the language to ensure that when a decision is made to enter one of these released areas, it cannot be challenged simply on the basis of whether or not the area should remain roadless.

Contrary to what some critics will say, this bill does not remove a citizens right to administrative appeal or judicial review of decisions on the basis of a number of various environmental laws. It does, however, preclude judicial review on the basis of whether a released roadless area should remain roadless and on whether or not the area must continue to be protected to maintain its wilderness characteristics. The areas released by this bill have not been found to have any outstanding wilderness characteristics. It is wrong to allow these released lands to be tied up in the courts, stopping planned resource management. Please remember, one of the purposes of this bill is to ensure the management of some lands for nonwilderness multiple uses.

This bill is not a development bill. Fully 70 percent or more of the released land will be managed in its roadless state for recreation and wildlife habitat, according to the land and resource management plan for each national forest.

This release bill does not end the wilderness debate in Montana. By this bill we will leave approximately 2,400,000 acres of roadless land in Montana to have its management decided at a later time. I am confident this is a step forward.

I have been working with Senator BAUCUS and the other members of the Montana delegation to try to reach some point of compromise that will help to resolve the issue once and for all. I fully intend to continue working with Senator BAUCUS and Congressmen MARLENEE and WILLIAMS to reach that compromise. In the meantime I believe it is imperative to resolve any portion of this issue possible. We must get on with the management of the Federal lands so that our communities will be able to survive.

Although not a complete solution, this proposal has already received widespread support from throughout Montana. I expect this support to continue to grow as more Montanans have the opportunity to examine the bill.

Some critics have said this is just a political ploy. Frankly, I don't care what the politics of this proposal are. I just want it debated fairly on the merits. My motives are clear: release those lands not in dispute to try to save jobs that will certainly be lost if we don't act. Keep in mind, it is not just timber we are talking about here. We need to manage these lands for energy, mining, wildlife habitat, and recreation. The way the energy situation is going in this country, we as a Nation had better be looking at what we are doing. We are a Nation at risk at this very moment.

This is very important to Montana. I urge my colleagues to also recognize the importance of this legislation, and I ask for its quick passage. I will also be working with Senator JOHNSTON to move expeditiously toward committee hearings.

By Mr. McCONNELL:

S. 2236. A bill to amend the Housing Act of 1949; to the Committee on Banking, Housing, and Urban Affairs.

RURAL RENTAL HOUSING AFFORDABILITY ACT

Mr. McCONNELL. Mr. President, there are nearly 3,000 families and seniors in Kentucky and more than 127,000 nationwide who need our help. Actually, they have needed our help for some time. They live in Farmers Home Administration rental housing and are paying rent in excess of 30 percent of their incomes. They are overburdened with the amount of rent they pay.

The Farmers Home Administration [FmHA], an agency within USDA, finances rental apartment complexes in rural areas for low-income families and senior citizens. Many of the rents are subsidized by FmHA through rental assistance so tenants don't pay over 30 percent of their adjusted income. But, where rental assistance is not available, many tenants do pay more than 30 percent.

In Kentucky, FmHA has financed 317 rural rental housing complexes for senior citizens and families, including the handicapped and disabled. About 9,000 rural Kentucky households live in these Section 515 Program apartments. But, over one-third of these rural Kentucky households pay more than 30 percent of their adjusted income for rent. In two of Kentucky's

eight FmHA districts, over 42 percent of the households are overburdened, which indicates a critical need for these families. Remember, Mr. President, these are lower income families and elderly; this is not an issue of disposable income and consumption, but paying for a necessity. Because they are overburdened by the rent, they are eligible for rental assistance; however, none is available from FmHA.

Mr. President, I have a proposal to assist them by lowering their monthly rent payments. Today I am introducing the Rural Rental Housing Affordability Act of 1990.

This legislation increases the affordability for renters in FmHA's 515 Rural Housing Program by lowering the rent for the overburdened families and elderly in our rural communities.

It increases the marketability of rental units for owner, with no impact on mortgage payments.

It does not cost the Government one nickel.

Let me explain how this legislation works.

The owner of an FmHA 515 project is required to make a monthly deposit of one-twelfth of 1 percent of the FmHA loan amount into an account for maintenance of the property. This account is called a reserve for replacement. This bill would use a portion of that reserve payment to lower the rent for each overburdened family. I call it affordability assistance.

Let me give you an example of how I expect this legislation to work.

A couple with two children have an adjusted monthly income of $631, 30 percent of which affords a monthly rent payment of $189. The rent, however, is $208. They are eligible for FmHA rental assistance, but because FmHA rental assistance is not available, they pay $208 which is 33 percent of their income. This bill provides affordability assistance for a reduction of their rent equal to the monthly reserve contribution for that unit. In this example, the reduction is $16, lowering their rent to $192 or 30.4 percent of their income.

My focus on the 515 Program is well founded. The program provides apartments in rural areas for low-income elderly and families. It provides an option to living in substandard housing such as exists in rural Kentucky and the other 49 States. It provides housing where people live so they can live there, and not have to leave their town in search of decent housing. Rural Kentucky is filled with small towns which are viable; there are jobs in these towns; it is always with great pride that I see another rural town which has added a new plant or facility because it provides support to the economic base. The people need someplace to live, and Farmers Home has a program to provide the rental apartments.

As Farmers Home has noted, most areas in rural America need more adequate rental housing. Some people live in substandard housing that is cold in the winter and hot in the summer because adequate housing at a reasonable rent is not available. Other people commute long distances to work because they cannot find decent housing in the rural community where they work.

The program delivers housing and housing assistance to rural America. According to a 1987 GAO report, over 90 percent of the complexes are located in rural areas with populations under 10,000; more than half of the complexes are in towns of 2,500 or less. Close to half of the renters reduced their rent burden when they moved into a Section 515 apartment. Over 40 percent of the households were headed by a senior citizen.

We can do more to make this much-needed housing affordable. We can provide affordability assistance to help the overburdened rural households living in the decent housing provided under the 515 Program.

I am hopeful that this proposal will receive all appropriate consideration; the Congress has funded the program to assist low-income rural households, and the Congress has provided rental assistance for a number of households, and this Congress should provide affordability assistance to close the gap for overburdened families and the elderly.

The FmHA 515 multifamily housing program has been heralded as the best working model for the delivery of rural multifamily housing in the United States. It operates with minimal Federal Government involvement. It has proven to be the least costly means to provide housing to the very poor, and yet the program has a default record of under 1 percent.

According to a 1987 GAO report, more than half of the apartments are in towns of 2,500 or less, 93 percent of the renters are low income, and 49 percent of the households paid lower rent after moving into 515 housing.

I am hopeful that this proposal will receive the consideration commensurate with the need in our country for rural housing assistance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2236

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Rental Housing Affordability Act of 1990".

SEC. 2. USE OF RESERVE FOR REPLACEMENT FUNDS.

(a) SECTION 515.—Section 515 of the Housing Act of 1949 is amended by adding at the end the following new subsection:

"(u) In order to increase and assure the affordability of units in projects which are financed under this section, and which are assisted with interest credits under section 521, the Secretary shall approve the use of monthly additions to the reserve for replacement funds to subsidize up to the difference between a low-income tenant's required rent and the basic rent, in an amount not to exceed the monthly amount allocable to the tenant's unit.".

(b) SECTION 514.—Section 514 of the Housing Act of 1949 is amended by adding at the end the following:

"(j) In order to increase and assure the affordabillity of units in projects which are financed under this section, the Secretary shall approve the use of monthly additions to the reserve for replacement funds to subsidize up to the difference between a low-income tenant's required rent and the basic rent, in an amount not to exceed the monthly amount allocable to the tenant's unit.".

SEC. 3. REGULATIONS.

(a) IN GENERAL.—The Secretary of Agriculture may increase any administrative requirements for the reserve for replacement funds to implement the amendments made by this Act.

(b) FINAL REGULATIONS.—The Secretary shall issue implementing regulations to carry out the amendments made by section 2 of this Act not later than 180 days after the date of enactment of this Act.

By Mr. SHELBY:

S. 2238. A bill to amend the Solid Waste Disposal Act to grant States the authority to regulate the interstate disposal of hazardous waste and solid waste; to the Committee on Environment and Public Works.

HAZARDOUS AND SOLID WASTE MANAGEMENT ACT

● Mr. SHELBY. Mr. President, I rise today to introduce legislation that would greatly enhance the State's ability to address substantively and responsibly its hazardous and solid waste problem. My bill is the companion bill to the Hazardous and Solid Waste Management Act, H.R. 3395, that was introduced by Congressman ERDREICH in the House of Representatives on October 3, 1989. Both Mr. ERDREICH and I believe that the management of this country's hazardous and solid wastes is one of the Nation's most pressing environmental issues of the 1990's

Mr. President, I have come before this body several times in the past 2 years to express my concerns regarding hazardous waste. Each year, the volume of hazardous waste grows as disposal capacity shrinks. The most recent figures kept by the Environmental Protection Agency [EPA] of the amount of hazardous waste generated in the United States are for the year 1985. The total estimate for that year is 245 million tons.

There are 17 sites across the country that are approved for the disposal of

hazardous waste. The most recent statistics available from the EPA to determine the total hazardous waste disposed of in the removal program are through March 1, 1989.

Between 1984 and March 1, 1989, 94,868 tons of hazardous waste have been disposed of nationwide through the Superfund Removal Program. During this period, 38,163 tons of this hazardous waste have been sent to the Chem Waste Management Facility in Emelle, AL. That represents 40 percent of all hazardous waste that has been disposed of nationwide through the Superfund Removal Program between 1984 when the program began, and March 1, 1989.

Another 17 percent of all hazardous waste that has been disposed of nationwide through the Superfund Removal Program between 1984 and March 1, 1989 has been sent to the GSX facility in Pinewood, SC. This means that 57 percent of all hazardous waste nationwide processed through the Superfund Removal Program during this period went to two facilities in region IV—Emelle in Alabama and GSX in South Carolina.

These two facilities are obviously receiving a disproportionate amount of the Nation's hazardous waste. For the record, EPA region IV is comprised of eight States—Alabama, Georgia, Florida, Mississippi, Kentucky, North Carolina, South Carolina, and Tennessee. Consequently, if only two facilities in region IV received 57 percent of all the hazardous waste nationwide processed through the Superfund Removal Program, it simply means that hazardous waste has been coming from great distances to be disposed of in region IV.

Mr. President, I say that it is not fair that two facilities in region IV should bear the brunt of actions of generations of consuming Americans. We have all benefited from various industrial processes—the byproducts of which are polluting our water, contaminating our soil, and poisoning our air. We never thought that we would have to pay for these industrial and chemical advances with our health or with the well-being of our children. However, we now realize that we have a hazardous waste disposal problem which may threaten the long-term health and safety of our citizens.

On November 20, 1989, the Senate passed a resolution which I introduced on hazardous waste. The resolution encourages each State to develop a comprehensive plan to handle the waste it generates, either individually or in interstate agreements. I believe that this sense of the Senate resolution is a step in the right direction toward providing an equitable solution to the hazardous waste disposal problem in this Nation. However, it is now more than 3 months since the passage of my resolution and there are no observable changes in the management of hazardous waste disposal. For this reason, I decided to introduce this bill, which if passed, will be the law of the land.

Although I have not been as vocal on solid waste issues; I am equally concerned. As landfills across the country fill to capacity, States must assume a responsible role in managing their garbage.

A recent Environmental Protection Agency [EPA] study indicates that there is a direct correlation between growth in population and growth in the amount of solid waste generated: 157.7 million tons of solid waste is produced annually; each individual in the United States produces 3.5 pounds of trash daily; and by the year 2000, it is estimated that the amount of solid waste generated will increase to 192.7 million tons a year.

While it is clear that the quantity of garbage is slowly increasing, it is even more evident that disposal capacity is decreasing.

Presently, the United States disposes of most of its solid waste in landfills—only about 11 percent is recycled and approximately 13 percent is incinerated. It is increasingly difficult to find new sites for landfills because of public opposition and unknown environmental risks. Due to this "not in my backyard" syndrome, the disposal of solid waste which was once thought to be only a local concern has become a national crisis.

Many States have sought to solve their solid waste problem by shipping their waste to other States. Recent Congressional Research Service [CRS] data indicate that the following States export their garbage to other States: New Jersey exports 5,250,000 tons; New York exports 2,000,000 tons; Pennsylvania exports 1,500,000 tons; Missouri exports 1,500,000 tons; District of Columbia exports 700,000 tons; Massachusetts exports 600,000 tons; and California exports 200,000 tons.

We all remember the 3-month journey of the New York barge during the spring of 1987 that could not find a haven for its garbage. I think that the New York garbage barge going from port to port seeking a disposal site vividly depicts the magnitude of the problem that we are addressing.

In addition to the "not in my backyard" syndrome causing problems in the disposal of solid waste, there is yet another, even greater dilemma. Pending EPA regulations in solid waste landfills will result in substantial increases in the construction and operation of such facilities and could result in the closing of many existing landfills. EPA expects almost half of the Nation's landfills operating in 1986 to close by 1991. The closing of these facilities obviously will make a bad situation worse when you consider, as I alluded to earlier, that approximately 70 percent of all solid waste is disposed in landfills.

The legislation that I am introducing today will be beneficial in solving the hazardous and solid waste disposal problem. The bill would require that States take responsibility for the solid and hazardous waste generated within their borders, either individually or in regional compacts by demonstrating the capacity to handle such waste for 20 years. In addition, when a State has developed a 20-year management plan to handle its hazardous and solid waste, the State would be able to place limitations on the amount of hazardous and solid waste transported into the State for disposal purposes.

I urge all of my colleagues to support this legislation. Each State must be responsible for the waste it generates. When a State has accepted its responsibility and developed a 20-year plan to handle its waste, the State's plan must not be rendered useless because of encroachment by out-of-State waste.

My bill focuses the attention needed for the safe and effective management of hazardous and solid waste. Congress must take the initiative in resolving the Nation's waste disposal problem realistically to prevent future threats to human health and the environment.●

By Mr. PELL:

S. 2339. A bill to amend title 10, United States Code, to require sealed bids and competitive proposals for the procurement of professional services by the Department of the Defense to be evaluated on the basis of a 40-hour workweek; to the Committee on Armed Services.

EVALUATION OF DEPARTMENT OF DEFENSE SERVICE CONTRACTS

● Mr. PELL. Mr. President, I am introducing a bill to correct an abuse in defense contracting practices which has caused undue hardship for many of my constituents, namely the problem of uncompensated overtime.

The problem has its roots in the unremitting pressure for competitiveness. Contractors pare their bids to the bone by allocating 48- or 50-hour workweeks—or longer—to professional and managerial employees who receive no overtime pay because they are exempt from the Fair Labor Standards Act.

In evaluating such bids, the Department of Defense seems to have suspended judgment about the wisdom or propriety of such practices, figuring that the Government is getting a cheaper product, regardless of the means.

But I believe it is a questionable practice. It is certainly questionable from the point of view of the people who get caught in the squeeze and have to give away their time. Dozens

of them have written to me to complain about it. And it certainly must be nerve-wracking for the competing contractors who have to participate in the uncertain charade, never knowing how much giveaway time is being bid by their competitors, or how much overtime their own professional work force can tolerate.

The issue has been addressed by Congress but without apparent effect. The fiscal year 1989 Defense Authorization Act ordered the Pentagon to establish an advisory committee to study the problem and make recommendations to the Secretary of Defense. The panel was established and made its report last August, but it failed to solve the problem. It refused to call for new regulations barring the use of uncompensated overtime and recommended instead only general policy directives which would still leave room for the practice to continue.

My constituents advise me that not only has there been no improvement in the situation since the study was mandated, but that there has been an actual escalation in the number of uncompensated hours they are being asked to work. Since Pentagon policy is not yielding any positive results, they are asking for statutory relief.

Accordingly, the bill I am introducing today simply requires that bids and competitive proposals for the procurement of professional services by the Department of Defense be evaluated on the basis of a 40-hour workweek. Such a standard would provide a level playing field for all contractors, particularly at this time of increasing competitiveness for the defense dollar. And it would bring an end to a basically predatory practice which causes hardship for many.

Finally, I wish to acknowledge the work of my colleague in the House, Representative RON MACHTLEY, who introduced an identical bill last fall when the initial results of the DOD study became known. He and I share a mutual concern for our many constituents who argue persuasively that more conclusive steps must be taken.●

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. CRANSTON, Mr. HATFIELD, Mr. BENTSEN, Mr. WILSON, Mr. MOYNIHAN, Mr. D'AMATO, Mr. ADAMS, Mr. CHAFEE, Mr. KERRY, Mr. SIMON, Mr. SARBANES, Mr. RIEGLE, Mr. INOUYE, Mr. JOHNSTON, Mr. DODD, Mr. LAUTENBERG, Mr. METZENBAUM, Mr. GLENN, Mr. PELL, Mr. BRADLEY, Mr. GORE, Ms. MIKULSKI, Mr. LIEBERMAN, and Mr. SPECTER):

S. 2240. A bill to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes; to the Committee on Labor and Human Resources.

COMPREHENSIVE AIDS RESOURCES EMERGENCY ACT

Mr. KENNEDY. Mr. President, for 9 years, America has been grappling with the devastating effects of AIDS. Up to a million of our fellow citizens are already infected with the AIDS virus and are almost certain to face serious health problems as a result of HIV disease.

Today, we are proposing emergency relief for the cities hit hardest by AIDS and funding for States to respond to the mounting need for AIDS care services.

The overwhelming majority of people who develop AIDS are young and unprepared to cope with this catastrophic disease. So is the Nation's health care system.

In terms of pain, suffering, and cost, AIDS is a disaster as severe as any earthquake, hurricane, or drought. Because this disaster continues to unfold, even now we cannot tally the full extent of devastation.

We must make clear to all Americans that the AIDS emergency is not behind us—HIV remains a grave threat to communities across the Nation. In fact, the rate of increase in new cases is now greatest in small cities and rural areas. By 1991, 80 percent of new AIDS cases will be diagnosed outside New York and California.

Right now, the health institutions in our major cities are in crisis—overcrowded emergency rooms and shortages of trained health care personnel. AIDS by itself is certainly not the only cause of these problems. But it is adding to the stress that is leading to a total breakdown of our health care systems.

If we do not respond with emergency financial aid, we can expect to see many more public and private hospitals facing insolvency. Nationally, an estimated 70 percent of persons living with AIDS either have no health insurance or rely on Medicaid—which frequently does not cover the service that are most needed.

Two successive, national commissions on AIDS—one created by the President, one by the Congress—have recommended that the Federal Government provide funds to help develop care networks for persons with HIV disease. Both commissions have stressed the urgent need for expansion of outpatient and home health services.

Until we take action to organize and integrate HIV health services, both costs and chaos will continue to increase—with devastating consequences for individuals and families throughout the United States.

This Nation can do better.

America responded within days to the California earthquake. We have pledged tens of billions to rescue the savings and loan industry. AIDS is a comparable disaster and we need to respond accordingly.

The bipartisan legislation we are introducing today calls for $600 million in emergency funds—$300 million for relief to hard-hit cities and $300 million for States to develop HIV care programs.

In addition to providing funds for home and community-based services to get people out of costly hospital beds, this measure will expand access to early intervention services. Early diagnosis of treatment does prolong life. By offering medical services, we provide a strong incentive for individuals to take advantage of counseling and testing services.

This bipartisan legislation incorporates the ideas and hard work of hundreds of organizations and individuals—many of whom are represented here this morning.

Our proposal is about more than money. It is about caring and the American tradition of reaching out to people who are suffering and in desperate need of help.

As a nation, we pride ourselves on our ability to rally in the face of adversity. AIDS is a disaster that demands a response by the American people. It is not a question of resources—because we can find the resources. What we need is the will.

Thank you Mr. President and I ask that letters of support for this critical legislation and other materials be placed in the RECORD.

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

COMPREHENSIVE AIDS RESOURCES EMERGENCY (CARE) ACT OF 1990 SUPPORTING ORGANIZATIONS

AIDS Action Council.
AIDS National Interfaith Network.
American Association for Counseling and Development.
American Association for Marriage and Family Therapy.
American Association of University Affiliated Programs for Persons with Developmental Disabilities.
American College Health Association.
American Federation of State, County and Municipal Employees.
American Foundation for AIDS Research (AMFAR).
American Hospital Association.
American Medical Student Association.
American Nurses Association.
American Psychological Association.
American Public Health Association.
Americans for Democratic Action.
Association of Schools of Public Health.
Association of State and Territorial Health Officers (ASTHO).
Catholic Health Association of the United States.
Center for Population Options.
Church of the Brethren.
Citizens Commission on AIDS.
Coalition for the Homeless.
Committee for Children.

Consortium for Social Science Associations.
Episcopal Church.
Episcopal Health Services, Inc.
Friends Committee on National Legislation.
Hispanic AIDS Committee for Education and Resources.
Human Rights Campaign Fund.
Infectious Diseases Society of America
Legal Action Center.
National AIDS Network.
National Association for the Advancement of Colored People.
National Association for Home Care.
National Association of Commuinity Health Centers Inc.
National Association of Counties.
National Association of People with AIDS.
National Association of Protection and Advocacy Systems.
National Association of Public Hospitals.
National Association of Social Workers.
National Association of State Alcohol and Drug Abuse Directors.
National Council of Churches.
National Council of La Raza.
National Council on Alcoholism and Drug Dependence.
National Gay and Lesbian Task Force.
National Hemophilia Foundation.
National Hospice Organization.
National Medical Association.
National Minority AIDS Council.
National Puerto Rican Coalition.
National Urban Coalition.
Northwest AIDS Foundation.
Presbyterian Church USA.
Synagogue Council of America.
Unitarian Universalist Association.
United Church of Christ.
U.S. Conference of Mayors.

THE U.S. CONFERENCE OF MAYORS,
Washington, DC, March 1, 1990.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the nation's Mayors, I am pleased to inform you of the support of The United States Conference of Mayors for the legislation you will be introducing next week: the Comprehensive AIDS Resource Emergency Act of 1990.

As you are well aware, AIDS has had a disproportionate impact on our major cities. With the burdens of almost every conceivable crisis facing America today hitting cities the hardest—including drugs, declining stocks of affordable housing, and aging infrastructures—the financial hardships forced on cities by the AIDS epidemic cannot be borne by local government without federal assistance. The weight of the increased burden on our existing health care infrastructures caused by HIV disease is threatening to overwhelm our ability to respond to the health care needs of our citizenry.

We especially appreciate your recognition, in title I, of AIDS as a national epidemic that requires a national response directly where it is most needed: at the city level, where people with AIDS live and die. The relief available under Title I and the essential involvement of the chief elected local official in determining service priorities is crucial to the success of the legislation. We appreciate your close involvement with USCM in the development of this approach.

The Conference of Mayors is also supportive of the Title II provisions which help address the development of a broad array of health care planning and services needed by cities. The sound public health options offered to localities through states will greatly assist in the provision of essential early and efficient care for people with HIV infection.

The United States Conference of Mayors looks forward to working with you and your staff to further fine tune the bill to best meet local service needs as the bill proceeds through hearings, markup and eventual passage.

Sincerely,

J. THOMAS COCHRAN,
Executive Director.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, March 1, 1990.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: The National Association of Counties supports the legislation you are introducing, the Comprehensive AIDS Resources Emergency Act of 1990. We particularly appreciate your recognition of the health care service delivery and financing emergencies experienced by those urban counties and cities with a high incidence of AIDS cases. The relief available under Title I of the bill and the integral role of chief local elected officials in determining service priorities mark significant steps toward alleviating the crisis. We thank you for your close involvement with our organization in the drafting of those provisions.

As the bill progresses through the hearing and markup stages, we will work with you to further refine the bill so that it assists current systems in meeting the needs of persons with AIDS and encourages the development of more comprehensive, effective and appropriate care systems.

Sincerely,

JOHN P. THOMAS,
Executive Director.

STATEMENT OF PAUL C. RETTIG, EXECUTIVE VICE PRESIDENT, AMERICAN HOSPITAL ASSOCIATION, UPON THE INTRODUCTION OF THE COMPRENHENSIVE AIDS RESOURCES EMERGENCY ACT OF 1990

The American Hospital Association applauds Senators Kennedy and Hatch's efforts to provide financial assistance to localities hardest hit by the Human Immunodeficiency Virus epidemic.

AIDS has brought new challenges to health care and has dramatized the persistent gaps in the way we finance care. The growing demand for a complex array of services is testing the limits of our nation's health care system.

Since the onset of this epidemic, hospitals have been on the front lines, providing medical care for those with AIDS. For some hospitals the burden has been enormous.

This legislation is a well-conceived response to help communities deal with this epidemic. First, the bill will immediately assist communities in greatest need by shoring up existing resources. Second, because the AIDS epidemic recognizes no geographic boundaries, the legislation will provide all states with financial assistance as the epidemic spreads.

For those infected, the search for an effective treatment and cure is of utmost urgency. For the uninfected, adoption of effective means of preventing transmission is equally urgent. And for AIDS patients and facilities providing care, federal assistance is long overdue.

AHA supports the Comprehensive AIDS Resources Emergency Act.

NATIONAL ASSOCIATION OF COMMUNITY HEALTH CENTERS, INC.,
Washington, DC, March 6, 1990.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, Hart Building, Washington, DC.

DEAR MR. CHAIRMAN: The National Association of Community Health Centers stroingly endorses the Comprehensive AIDS Resources Emergency (CARE) Bill which you are introducing today.

As the AIDS epidemic has progressed over the last few years, community Health Centers have seen our neighborhoods placed increasingly at risk. Even absent such onslaughts, maintaining healthy families under a severely limited federal grants program becomes a challenge to the most dedicated and innovative Center staff.

Until this Bill, our Centers were despairing of the great financial risk the additional costs of AIDS will pose, in the face of continued tight funding constraints as we have seen since 1980.

This Bill acknowledges the need for fortification of front-line community clinic providers, in its disaster relief, consortia and early intervention sections. Community Health Centers know what is needed, and stand ready to provide early care through the provisions of the programs you are making possible.

We thank you for your admirable leadership on this difficult issue. Please accept our offer of support in any way we can as you work for passage of this landmark legislation.

Sincerely,

TOM VAN COVERDEN,
Executive Director.

ASSOCIATION OF STATE AND TERRITORIAL HEALTH OFFICIALS,
McLean, VA, March 5, 1990.

Hon. EDWARD KENNEDY,
Chairman, Committee on Labor and Human Resources, Senate Hart Office Building, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the Association of State and Territorial Health Officials (ASTHO), I am writing in support of the concept of your legislative proposal the "Comprehensive AIDS Relief Emergency (CARE) Act of 1990."

ASTHO agrees with your assessment that definitive action must be taken immediately to assist states in dealing with the AIDS epidemic. We are in concurrence with your assessment in Title I of the bill that resources need to be directed to cities and areas hardest hit by AIDS. We also strongly support Title III of the bill which would develop the Agency for Health Care Policy and Research to evaluate the impact and cost effectiveness of various models of AIDS care. Much of the HIV related health care planning has been based on logical assumptions, but there is not a large foundation of research data for support.

We do have some concerns about Title II of the bill. While ASTHO wholeheartedly supports the provision for funds to develop and operate more effective and cost efficient systems for the delivery of care, treatment, early intervention and support services to individuals and families infected with HIV, we have some concerns about the distribution of the resources on the basis of AIDS case. While this may seem a fair distribution, it may represent a mal-distribution based upon need. Most areas with small number of AIDS cases are likely to have less well-developed integrated systems of care,

and hence, need a proportionally greater share of funds to develop these systems of care than will high incidence areas which have been providing care to patients for a number of years. It is even feasible that states with the smallest number of AIDS cases will not receive adequate resources under this Title to sufficiently address any of the services within the Title. It is the recommendation of ASTHO that a two-tiered funding system be established where all states get a basic grant, with the balance based on the number of AIDS cases. ASTHO recommends that the sum of $150,000 be given as the base grant. In states with very small numbers of AIDS cases this amount will at least allow for coordination and core program support with some resources to purchase drugs.

ASTHO appreciates the opportunity to comment on this bill and strongly supports its concept.

Sincerely yours,

GEORGE K. DEGNON, CAE,
Executive Director.

March 1, 1990.

Senator EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: We, the undersigned, directors of Washington-based offices, representing the policy recommendations of our respective religious bodies, write to offer our support to you as you introduce the Comprehensive AIDS Resources Emergency (CARE) Act of 1990.

Our respective religious bodies have become increasingly involved in the provision of care services to People with AIDS, their friends and families as the pandemic continues to grow in size. The religious communities response to the epidemic include primary education and prevention, pastoral care, medical services through our various medical facilities, and thousands of hours personal services to PWAs to meet daily living needs. Religious based AIDS service programs continue to grow at an astounding rate to respond to the ever growing need.

Even this enormous outpouring of concern, care, and, in fact, from the private, voluntary, religious sector of our nation can not meet the overall needs of persons currently living with AIDS and especially those to be diagnosed in the near future. The federal government must increase its role in the provision of medical and social services, especially to those most in need.

This epidemic no longer primarily affects white, middle class males. Increasing cases of HIV infection and AIDS is now evident in poor, minority men and women. It is more critical than ever that the federal government realize it's responsibility to provide "for the common welfare" of all its citizens.

We are especially pleased to see that your proposed legislation will target the hardest hit top 13 cities in the United States where medical and social systems are in serious peril. As representatives of institutions that have experienced the efficacy of case management and comprehensive planning for health care, we also applaud your efforts at encouraging communities in need to provide for better planning and coordination. It is critical that as resources for this epidemic become harder to secure and numbers of persons to be served increase, that we find additional ways to provide the very best services on a prudent fiscal basis.

The religious bodies we represent will continue to do their part in response to our religious mandate to support people with AIDS. We will continue to respond to the message of the prophet Amos who said; "Seek good, and not evil, that you may live; and so the Lord, the God of hosts will be with you, as you have said. Hate evil, and love good, and establish justice in the gate."

The struggle against the AIDS epidemic calls us all to works of justice as well as compassion. We look forward to cooperating with your office to see the 1990 CARE bill become a reality.

Robert Z. Alpern, Director, Washington Office, Unitarian Universalist Association; Fr. Robert Brooks, Director, Washington Office, Episcopal Church; Rabbi Irwin M. Blank, Washington Representative, Synagogue Council of America; Jay Lintner, Director, Washington Office, United Church of Christ.

Melva B Jimerson, Acting Director, Washington Office, Church of the Brethren; Mary A. Cooper, Director, Washington Office, National Council of Churches; Ruth Flowers, Washington Office, Friends Committee on National Legislation; Rev. Elenora Giddings Ivory, Director, Washington Office, Presbyterian Church, USA.

NATIONAL URBAN COALITION,
Silver Spring, MD, March 1, 1990.

Hon. EDWARD KENNEDY,
Chair, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: Thank you for sharing with us your plans for emergency legislation to provide critically needed federal funds for the care of people living with HIV and AIDS. As advocates for the nation's cities, and the people in them, we have seen the devastating toll the AIDS epidemic has taken on the lives of individuals and the strain it has put on already overburdened health care and social service agencies.

On behalf of the National Urban Coalition, I offer strong support to your effort to enact a Comprehensive AIDS Resource Emergency (CARE) Act. We are especially supportive of your effort to provide some immediate relief to caregiving institutions and community-based agencies in the cities of the nation that have borne the brunt of this health crisis to date through CARE's Title I. Theirs have been heroic efforts, and they deserve the financial support of the federal government to continue meeting this challenge.

We also support the effort to encourage a comprehensive approach to developing health and support services, early intervention and case management in lesser-impacted states. We do, however, have some concern that the state block approach envisioned in Title II does not contain enough assurance that harder-hit localities and communities within the lesser-impacted states will receive the funding needed. We hope that this aspect of the bill will be addressed in the legislative process.

Sincerely,

RAMONA H. EDELIN, PH.D,
President.

NATIONAL COUNCIL OF LA RAZA,
NATIONAL OFFICE,
Washington, DC, March 1, 1990.

Hon. EDWARD M. KENNEDY,
Senate Committee on Labor and Human Resources, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: I am writing to lend the voice of the Hispanic community in supporting the Comprehensive AIDS resource Emergency (CARE) Act of 1990, which we understand you intend to introduce shortly in the Senate. The AIDS crisis is an overwhelming burden on our society, and its effects will be more far-reaching than we can presently estimate.

It is therefore urgent that government on every level, along with all sectors of our society, work together to make resolution of the AIDS crisis a top priority. We are pleased to see that the CARE bill focuses on the areas which we believe will need the most support. We consider Title I, which provides federal emergency funds to those geographic areas hardest hit by the AIDS epidemic, especially important to the Hispanic community. This will make possible money for cities with high rates of Hispanic AIDS cases. As you may know, while Hispanics comprise only 8% of the U.S. population, they account for 15% of all AIDS cases. For this reason alone, the AIDS epidemic is of prime concern to this organization and Hispanics throughout the country.

If there is anything that the National Council of La Raza or our national network can do to be of assistance in assuring the passage of this critical legislation, please do not hesitate to contact me at 289-1380.

Sincerely,

RAUL YZAGUIRRE,
President.

NATIONAL MINORITY AIDS COUNCIL,
Washington, DC, March 2, 1990.

Senator EDWARD M. KENNEDY,
U.S. Senate, Committee on Labor and Human Resources, Washington, DC.

DEAR SENATOR KENNEDY: Along with other members of the National Organizations Responding to AIDS (NORA), the National Minority AIDS Council is pleased to endorse the Comprehensive AIDS Resources Emergency Act of 1990.

Since the beginning of AIDS epidemic, people of color have been disproportionately represented among U.S. AIDS cases. The National Minotiry AIDS Council (NMAC) was founded to examine the impact of AIDS on minority communities, and to provide information, technical assistance, and support to organizations offering HIV/AIDS related services to people of color.

The legislation that you and Senator Hatch introduce addresses the urgent needs of our hardest hit cities, plants the seed money for the development of cost effective community care, and seeks to study various health care service and financing options for the future. In our view, the enactment of this bill would greatly enhance the ability of minority communities to meet the short and long term challenges of the HIV epidemic. We support this legislation wholeheartedly.

Sincerely,

PAUL AKIO KAWATA,
Executive Director.

NATIONAL ORGANIZATIONS
RESPONDING TO AIDS,
Washington, DC, March 6, 1990.

DEAR SENATOR: The undersigned members organizations of the National Organizations Responding to AIDS coalition (NORA) enthusiastically welcome and endorse the Comprehensive AIDS Resources Emergency (CARE) Act of 1990 and urge your support and co-sponsorship.

As you know AIDS is the number one public health issue facing our country today. With more than 120,000 Americans diagnosed with AIDS, this epidemic is reaping disaster and despair across the nation in

an unprecedented manner. The latest CDC projections indicate that with more than 1 million citizens infected with the HIV virus, the impact on our health care system will likely be catastrophic. Senator Kennedy and Senator Hatch have crafted a three part proposal that addresses the urgent needs of our hardest hit cities and urban counties, begins to plant the seed money for the development of cost effective community care and responsibly seeks to study various health care services and financing options for the future.

Currently our nation's largest cities, urban counties, and many of it's smaller localities, are facing a crushing expansion of HIV patients seeking services on already over burdened systems of health care. Community health centers, AIDS service organizations, child welfare services, mental health centers, substance abuse prevention and treatment programs, and, most notably, public hospitals are unable to keep pace with the exploding caseload and maintain and meet other health care needs in affected communities. Title I of the Kennedy/Hatch bill provides for the emergency relief that is necessary for these service systems. Just last year the nation witnessed the decisive and compassionate actions of the Congress in response to Hurricane Hugo and the San Francisco earthquake, it is with that same spirit that the adoption of this proposal is urged. Sadly, the $250 million proposed under this title will merely sustain the existing structures of AIDS health care and support. However, without this assistance public hospitals face collapse and many community based service organizations will close their doors.

The proposed legislation goes further in Title II in addressing the development of a broad array of health care planning and services required by state and local areas. This proposal builds on the sound notion that new service systems are not necessary for AIDS but rather the adaptation of existing community services must commence. The models of care developed by the Health Resources and Services Administration and through the Robert Wood Johnson Foundation provide ample evidence that community based care consortia work to provide cost effective and compassionate care. The sound public health and cost effective program options offered to states under this title will provide early and efficient care for people with HIV. Our generous public investment in AIDS research is made real only in the provision of these services. The proposed $250 million for this title represents an investment now against a much larger price tag in the future if planning, coordination and early interventions are not implemented.

The research priorities outlined in Title III begin to put in place needed evaluation and planning data long neglected in our nation's response to a growing health care crisis. It is our hope that the findings of these studies will act as guideposts in the HIV policy deliberations of the Congress and communities in the coming years. We can all agree that AIDS will be with us for a long time to come and our ability to study and thereby competently respond is based on research today.

Senator, AIDS has killed more Americans than the Vietnam War. AIDS has already cost the nation more than $7 billion in lost economic contributions by those who have died. The epidemic is far from over and the burgeoning effect is likely to collapse not only the patchwork AIDS care system but also most of our low-income health and social service systems.

We, therefore, urge your co-sponsorship of this bill and a commitment to expeditious passage.

Signed by,

AIDS Action Council.
AIDS National Interfaith Network.
American Anthropological Association's Task Force on AIDS.
American Association for Counseling and Development.
American Association for Marriage and Family Therapy.
American Association of University Affiliated Programs for Persons with Developmental Disabilities.
American College Health Association.
American Federation of State County and Municipal Employees.
American Foundation for AIDS Research.
American Home Economics Association.
American Medical Student Association.
American Nurses' Association.
American Psychological Association.
American Public Health Association.
Association of Schools of Public Health.
Catholic Health Association of the United States.
Center for Population Options.
Chronic Fatigue Syndrome Information Institute Inc.
Citizens Commission on AIDS.
City of Chicago.
City of New York.
City of Philadelphia.
Coalition for the Homeless.
Committee for Children.
Consortium of Social Science Associations.
Federation of Parents and Friends of Lesbians and Gays.
Human Rights Campaign Fund.
Infectious Diseases Society of America.
Legal Action Center.
National AIDS Network.
National Assembly of State Arts Agencies.
National Association of State Alcohol and Drug Abuse Directors.
National Association for Home Care.
National Association of Community Health Centers Inc.
National Association of Counties.
National Association of People with AIDS.
National Association of Protection and Advocacy Systems.
National Association of Public Hospitals.
National Association of Social Workers.
National Council on Alcoholism and Drug Dependence.
National Council on La Raza.
National Gay and Lesbian Task Force.
National Hemophilia Foundation.
National Hospice Organization.
National Minority AIDS Council.
National Puerto Rican Coalition.
National Urban Coalition.
Rainbow Lobby.
Service Employees International Union.
Sex Information and Education Council of the U.S.
The United States Conference of Mayors.
United States Conference of Local Health Officers.
UJA—Jewish Federation of New York.

STATE OF LOUISIANA, DEPARTMENT OF HEALTH AND HOSPITALS, OFFICE OF PUBLIC HEALTH,
New Orleans, LA, March 2, 1990.

Senator EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, Hart Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: Last year in Louisiana we observed with great dismay a significant increase in the number of infants born with syphilis, a totally preventable condition. We attribute this abominable medical event to the scourge of drug addiction and similarly we have watched as the number of Human Immunodeficiency Virus (HIV) infected newborns increases steadily over the last few quarters. Both of these events have occurred against a back drop of hospital bed closings, up to 30% in the last year alone in our largest public hospital in the state-Charity Hospital of New Orleans. The bed closings do not reflect a decrease in need but rather a decrease in resources to meet the ever spiraling need. For us here at the State and city level, the necessity for improvements to the health care system is a non-debatable fact. We must have the resources to meet the needs of AIDS patients and individuals addicted to drugs. We must reinforce the tools that will help us prevent high risk behavior that leads to HIV infection and/or drug addiction.

I join you in support of the Comprehensive AIDS Resource Emergency (CARE) act of 1990 and will be happy to provide you and your staff with information based on our experiences here in Louisiana. I believe that this proposed act would provide the resources that we need in our State to create and maintain a just, humane system of health care for AIDS and HIV infected citizens.

Thank you for your tireless work in making this legislation a reality. If I can be of service in any way, please do not hesitate to contact me.

Sincerely,

LOUISE MCFARLAND, DrPH,
State Epidemiologist and AIDS Project Director.

CITY OF SAINT LOUIS,
DEPARTMENT OF HEALTH AND HOSPITALS,
St. Louis, MO, February 27, 1990.

Hon. EDWARD M. KENNEDY,
Committee on Labor and Human Resources, Washington, DC.

DEAR MR. KENNEDY: As the Health Officer for the city of St. Louis, my responsibility entails insuring the provision of quality health care services to every citizen in my jurisdiction.

All federally funded public health activity directed at the AIDS epidemic are under my purview.

Unfortunately, there is currently no funding available for direct services to persons with HIV seropositive status, ARC or AIDS. Funds are desperately needed to provide medical screening and treatment, and social and mental health support services to our citizens infected with HIV.

I applaud and strongly support your committee's efforts to provide these life sustaining essential services through the comprehensive AIDS Resources Emergency Act of 1990 (CARE).

Please let me know if there is anything additionally that I can do to further support this valiant effort.

Sincerely,

DIAN SHARMA, Ph.D.,
Health Commissioner.

CHATTANOOGA CARES,
Chattanooga, February 23, 1990.

Senator EDWARD M. KENNEDY,
Committee on Labor and Human Resources, Washington, DC.

DEAR SENATOR: This is to inform you of the wholehearted support of Chattanooga CARES, its Board of Directors, and membership (500 members) in Tennessee and

Georgia for the Comprehensive AIDS Resources Emergency (CARE) Act of 1990.

Chattanooga CARES is a Community Based AIDS Service Organization offering AIDS Education to people at risk for AIDS and services to People With AIDS and their families and loved ones. Considering the emotional and financial cost of AIDS to patients and their families along with that to hospitals and other medical facilities. We feel that legislation like this is desperately needed.

Sincerely,

KENTON DICKERSON,
Executive Director.

AIDS SERVICES OF DALLAS,
Dallas, TX, February 26, 1990.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: I am writing to provide my support for the Comprehensive AIDs Resources Emergency Act of 1990. For the past decade the tragedy of the AIDS epidemic has been faced primarily by community-based organizations that have struggled hard to keep afloat. I believe this is particularly true in states, such as Texas, where the epidemic has been largely ignored.

It is imperative that community-based organizations caring for people with AIDS survive. Community-based care alternatives provide the most cost-effective means to provide delivery of a full range of services to people living with AIDS.

You have my active support in helping make this legislation a reality. Please let me know the status of this bill and what can be done to assure its passage.

Sincerely yours,

DON MAISON, Esq.
Executive Director.

CHCANYS,
New York, NY, February 23, 1990.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Committee on Labor and Human Resources, Washington, DC.

DEAR SENATOR KENNEDY: The Community Health Care Association of New York State represents the interests of community health centers (CHCs) throughout New York State. As you probably know, CHCs were started in the mid-60's as a "Great Society" program to provide comprehensive primary care and preventive health care services to the poor and uninsured. Now, 25 years later, there is a nationwide network of approximately 800 centers which are working hard to handle the primary health needs of this growing population.

The HIV epidemic has hit the neighborhoods hard in which our inner city centers are located. These Centers are faced with increasing demands for risk assessment, education, testing, counseling and medical intervention—often without adequate reimbursement—as the epidemic has grown. We fully support your proposal for immediate congressional action on the Comprehensive AIDs Relief Emergency Act of 1990. By providing additional funding to states and MSAs, our centers will be better able to take care of people with, or at risk for, HIV disease in neighborhoods where they live. And as the disease has become chronic rather than acute in nature, availability of ambulatory care has become even more important. Additional funding to CHCs for these services is overdue and we offer you our support in whatever way possible.

Please let us know what else we can do to assist in assuring that this legislation is enacted.

Sincerely,

INA LABINER,
Executive Director.

NAPWA,
Washington, DC, February 21, 1990.

Senator EDWARD M. KENNEDY,
Health Affairs Office, Committee on Labor and Human Resources, Washington, DC.

DEAR SENATOR KENNEDY: We are writing to you at this time to express our sincere interest and support of the Comprehensive AIDS Relief Emergency (CARE) Act of 1990.

The metropolitan cities of the United States which have been impacted hardest by the AIDS epidemic are currently facing a critical drain on their resources. This impact is further complicated by the inability of many of the people with HIV infection and AIDS in these areas to pay for their medical needs.

The health care system as we currently know it is at the brink of a complete collapse. The only hope of keeping the system working is the assistance you have proposed for high impact areas which will slow the drain on this country's resources and stabilize the health care system. We must all realize that preventive health care is much cheaper and therefore more cost efficient than curative care.

Any assistance we can be to you on this proposal, please contract us at home; Ms. Mason 502-298-4664 and Mr. Jerrell 502-926-1627.

Sincerely,

BELINDA MASON,
President, the National Association of People With AIDS (NAPWA); the National Commission on AIDS.

RONALD L. JERRELL,
Secretary, the National Association of People With AIDS (NAPWA).

AMFAR,
New York, NY, March 6, 1990.

Senator KENNEDY, and Senator HATCH,
The Senate,
Washington, DC.

DEAR SENATOR KENNEDY AND SENATOR HATCH: On behalf of the American Foundation for AIDS Research, I wholeheartedly endorse The Comprehensive AIDS Resources Emergency (CARE) Act of 1990. The AIDS epidemic is wreaking havoc in our nation's cities. The number of AIDS cases is expected to double in the next year and a half, and there is an increasingly urgent need for early intervention for the over one million Americans infected with HIV. Unless we act now, the impact on our health care system will likely be disastrous.

The Comprehensive AIDS Resources Emergency Act will provide urgently needed relief. Our hardest hit cities will receive emergency assistance to care for persons with AIDS. The Act will also make available much needed seed money to each and every state for the development and evaluation of cost effective models to provide care for persons with AIDS.

We must act quickly and decisively on this Act. The American foundation for AIDS Research welcomes your initiative and urges that it receive the urgent attention of Congress.

Yours truly,

JOEL WEISMAN, D.O.,
Chairman, The American Foundation for AIDS Research.

HARVARD SCHOOL OF PUBLIC HEALTH,
Boston, MA, February 23, 1990.

Hon. EDWARD M. KENNEDY,
Chairman, Labor and Human Resources Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of my 23 colleagues, the deans of the U.S. schools of public health, I wish to go on record in support of your "emergency legislative initiative for increased federal AIDS care funding." The proposed "Comprehensive AIDS Resource Emergency (CARE) Act of 1990" will address a need not presently covered by federal AIDS programs—basic support for community-based agencies caring for persons with AIDS and HIV infection. This has been a missing piece in the national effort to deal effectively with the epidemic.

Along with preventing the further spread of HIV infection, the needs in health care for persons with AIDS have been a major interest and involvement of faculty at many schools of public health. The Association of Schools of Public Health, therefore, stands ready to support the CARE bill and applauds you, once again, for your leadership in this critical area of need.

Sincerely,

HARVEY V. FINEBERG,
Chairman, ASPH Legislative Committee.

THE STEWART B. MCKINNEY FOUNDATION, INC.,
Fairfield, CT, February 28, 1990.

Senator EDWARD KENNEDY,
Committee on Labor and Human Resources, Washington, DC.

DEAR SENATOR KENNEDY: I am writing to you today to offer my whole hearted support to you in your efforts to make the Comprehensive AIDS Resource Emergency (Care) Act and the Homelessness Prevention and Community Revitalization Act of 1990 a reality.

I am confident if Stewart were here he would have voiced his support and lent all his energies to see that these bills were passed.

I am well aware of all the deficiencies present in our government's systems to care for those with H.I.V. disease and the homeless among us. Every opportunity I have to address these issues I do so, I might add to the consternation of many others.

Putting a face on the landscape of homelessness and AIDS is of vital importance. All to often, it becomes an endless stream of numbers that many of our legislators and private citizens find too easy to ignore. I find this attitude present all to often and quite inhumane. We are at war with an epidemic that is everyone's disease. Everyone is at risk, not only to the consequences of infection, but to the loss of our sons, daughters, husbands, wives, and friends. We have a moral obligation as private and public citizens to eradicate this horror from our midst.

The bills that you wish to enact are the types of legislation long overdue and in a compassionate way meet the needs. Homelessness and AIDS walk hand in hand. You cannot speak of drug abuse without the latter. Human suffering has no place in our society. A nation like ours, who fails to care for it's own has also failed the constitutional mandate of our Founding Fathers.

Senator, if I can be of assistance to you in any way, written or personal testimony, please feel free to call on me at any time.

Sincerely,

LUCIE C. MCKINNEY,
Chairman of the Board.

[From the U.S. Conference of Mayors, Mar. 6, 1990]

THE IMPACT OF AIDS ON CITIES: THE NEED FOR EMERGENCY RELIEF, A SURVEY OF CITIES HIT HARDEST BY THE AIDS EPIDEMIC

The national AIDS/HIV epidemic has taken a devastating toll on the public health systems in our nation's cities. The disease that has already claimed more American lives than the Vietnam War has swept like a hurricane through our major cities, leaving hospitals and health care systems damaged, teetering on the edge of disaster. In contrast to hurricanes or earthquakes, the full force of which are ususally felt in a day or an instant, the AIDS/HIV epidemic has been pelting our cities each day for nearly a decade. For close to ten years, we have seen the numbers of diagnosed cases steadily increasing, the cost in human lives steadily mounting, and the level of health care services provided by cities increasingly incapable of meeting the growing demand.

AIDS has had a disproportionate impact on cities, creating major disaster areas scattered throughout the nation. Linked with the burden of almost every conceivable crisis facing America today hitting cities the hardest—including drugs, declining stocks of affordable housing, and aging infrastructures—the financial hardships forced on cities by the AIDS/HIV epidemic cannot continue to be borne by local governments without increased federal assistance.

The time for federal disaster relief is now.

THE COMPREHENSIVE AIDS RESOURCE EMERGENCY (CARE) ACT OF 1990

The United States Conference of Mayors is pleased to support the Comprehensive AIDS Resource Emergency (CARE) Act of 1990 which calls for direct federal emergency assistance to 13 cities within metropolitan areas that currently have greater than 2000 reported diagnosed cases of AIDS. These cities are: Atlanta, Boston, Chicago, Dallas, Houston, Los Angeles, Miami, Newark, New York City, Philadelphia, San Francisco, San Juan, and Washington, DC.

Every city is unique. Their histories in responding to the epidemic vary; the characteristics of their populations and their needs are different. What they share in common is the undue burden their local health care systems have been forced to carry in responding to the needs of people living and dying in their cities, in the face of dwindling resources and scarce federal assistance.

Many cities are planning and implementing comprehensive responses to the needs of persons with AIDS and HIV infection; most of the cities that would be eligible for emergency federal assistance under the CARE bill have developed strategic plans for coordinating sytems of care. Yet cities face a critical shortage of resources that prevent them from making these plans a reality. The CARE legislation would provide needed assistance to help patch the holes as well as lay the groundwork for comprehensive care approaches to meet the complex needs of persons with AIDS and HIV infection in cities that have been hardest hit by the epidemic.

The CARE legislation would also help address the development of a broad array of health care planning and services needed by cities. The sound public health options offered to localities through state grants will greatly assist in the provision of essential early and efficient care for people with HIV infection. The CARE legislation would also provide for the development and enhancement of effective models of comprehensive care for persons with AIDS which includes case management, access to community based clinical drug trials, home health care, housing, legal services, and other supportive services.

AIDS DISASTER AREAS: CURRENT CAPACITY AND PROJECTED NEEDS

The United States Conference of Mayors recently conducted a survey of cities affected by the emergency assistance measures of the Comprehensive AIDS Resource Emergency (CARE) Act of 1990 in order to gather information on the health systems of the local governments in responding to AIDS.

The major public health areas that the CARE bill will support include inpatient hospital care, outpatient care, nursing homes/sub-acute care facilities, home health care and hospice care—areas where evidence of overburdened urban public health care systems, straining to care for the disproportionate share of the nation's AIDS cases, is staggering.

Inpatient hospital care

The financial depletion of many of the nation's urban public hospitals—due to the rise in indigent care, the lack of adequate Medicaid financing, and private insurance coverage—has been exacerbated by the AIDS/HIV epidemic. As few as five percent of the nation's urban public hospitals are treating more than 50 percent of persons with AIDS. The changing population of people increasingly affected by AIDS—IV drug users, minorities, the indigent—has resulted in bad debt, hospital shortfalls and rapidly growing uncompensated care leading to declining hospital conditions and ultimately poor health care.

The crisis, though recognized in many quarters for some time, continues unabated. Urban public hospitals, often the only resort for those without private insurance, and, increasingly, those ineligible for Medicaid, are struggling to bear the burden, according to the cities surveyed by The U.S. Conference of Mayors. For example:

New York City's public hospitals provide care to 35 percent of all patients with AIDS in New York City, a disproportionate share given that the percentage of medical/surgical beds provided by the city government is only 16 percent of the city's total private and public hospital beds. Nearly 90 percent of the patients with AIDS treated at New York City public hospitals are indigent which means much of the care is uncompensated.

In Los Angeles, 40 percent of patients with AIDS depend on the public sector for medical services. According to one health official, "The disease is increasingly becoming a disease of the poor and the disease makes poor people out of many of the affluent it infects."

In Miami, Jackson Memorial Medical Center is the only public hospital in Dade County, providing 60 percent of the inpatient acute care to persons with AIDS in the area.

In Chicago, the city health department estimates the projected need for beds during the next five years is at a minimum 600 and may go as high as 1,600.

In Dallas, Parkland Memorial Hospital is the only public hospital in the county. Like most public hospitals throughout the nation, the burden of caring for AIDS patients falls on Parkland, where the majority of all patients are indigent. Approximately 50 percent of all AIDS patients in Dallas County are treated by the hospital, in addition to increasing numbers of AIDS patients from outlying counties that do not have public hospitals.

In San Juan, according to the AIDS Institute, over 70 percent of the AIDS patients cared for by the city's publicly supported hospital system are medically indigent, unemployed, and are IV drug users.

The AIDS/HIV epidemic has generated an enormous burden on all of the major urban public hospital systems, which, coupled with the increase in drug use, particularly crack cocaine, and homelessness, has placed many systems on the verge of collapse. But the worst of AIDS is yet to come; according to the CEO of Parkland Memorial Hospital in Dallas, "A sophisticated continuum of care must be in place now that the volume of HIV-infected individuals has not entered the health care pipeline. . . . When the impact of that patient caseload hits, the force will be similar to water erupting from a garden hose that has a knot in it."

Outpatient care

Outpatient care, provided either by a hospital or clinic, has long been recognized as often the most appropriate vehicle for persons with AIDS and HIV infection to obtain treatment. However, given resource limitations, cities responding to the Conference of Mayors survey are unable to meet the current and projected demands for services. For example:

In San Francisco, it is projected that 20,055 to 23,651 patients annually will require ambulatory care for their HIV infection between 1990 and 1993. Given the current capacity of 25,000 visits for HIV-related diseases per year at San Francisco General and 20,000 visits for HIV-related diseases per year at its District Health Centers, the capacity for an additional 42,000 patient visits per year will be required in the public sector by 1993.

In New York City, the estimated demand for outpatient care for persons with HIV-related medical conditions for the end of 1990 is 29,126 people.

In Houston, at the indigent care facility, there were 3,804 outpatient visits for persons with AIDS in 1989 with an average cost per visit of $669.

In Dallas, the Parkland AIDS Outpatient Clinic's current patient caseload of approximately 1,300 patient visits per month receives a disproportionately large share of hospital resources. The cost of treating AIDS patients on a outpatient basis at Parkland was more than $6 million in 1989—a cost equal to approximately three percent of the hospitals total operating budget.

In Philadelphia, according to the Department of Public Health, an ambulatory care clinic network, which currently does not exist in an organized fashion in the city, would greatly enhance the accessibility of medical care to people with AIDS and HIV infection, especially those who are uninsured or underinsured.

Nursing homes/sub-acute care facilities

Most cities responding to the USCM survey report there is currently a shortage of nursing home beds for persons with AIDS. Given this fact and the resulting waiting lists for admission, it is reported that nursing homes have been reluctant to admit PWAs. Barriers that have also been cited include:

The level of care PWAs require is typically more expensive and complicated in comparison with a traditional geriatric population;

Medicaid and Medicare reimbursement amounts do not meet the additional costs of providing care;

The majority of PWAs who could benefit from this service in most cities are viewed as undesirable by many private nursing homes authorities;

Discrimination against PWAs, particularly on the part of local neighborhood residents who don't want PWAs "in their backyard," has blocked many residential care facilities.

Nursing homes provide institutionalized residential care for individuals who cannot care for themselves and/or unable to function outside an institution. Up to this point, while the need for nursing home care has been great, the accessibility for PWAs to nursing homes has been extremely limited in cities nationwide. For example:

In New York City, there are currently 66 nursing home beds for PWAs provided by Terrance Cardinal Cooke Center and an additional 93 beds provided by the Health and Hospitals Corporation out of a total estimated number of nursing home beds of 35,000. The average cost per day for skilled nursing facilities is $371.

In Miami, the Human Resource Health Center was the first nursing home in the nation to accept AIDS patients and currently has 17 beds available to PWAs. An organized system of residential care for adults with AIDS has not been fully developed due to complicated state licensure rules and procedures. There is also reported reluctance for long-term care facilities to actively accept clients with HIV.

In Chicago, based on the projections of the number of AIDS cases for 1989 through 1994, it is estimated that the following number of nursing home beds will be required for PWAs during the next five years: 1989: 85-100; 1992: 185-220; 1994: 270-335. To date, however, there are only four nursing home beds available for PWAs in Illinois. The waiting list at this facility is reported to be between 10-20 persons.

In Washington, DC, only two nursing homes have placed PWAs in their facilities. The Washington Commission of Public Health reports that there continues to be concern about private sector nursing homes' willingness to care for PWAs.

In Houston, of the sixty-two nursing homes in the city, only one (1) provides care to PWAs. The nursing home requires that prior to acceptance of a PWA, the hospital seeking admission must incur the cost for additional medication. Medicare coverage allows only for the cost of three medications and most patients average fifteen medications each.

In Philadelphia, the residential program for drug and alcohol abusers with AIDS requires a 300% increase in capacity to 60 beds to meet the demand for services. It is also anticipated that the residential program for homeless individuals with AIDS will need to double in size to 50 beds.

Home health care

The nature of HIV infection makes in-home services an appropriate health care service for PWAs. Because the disease is episodic, clients can be treated for and recover from an opportunistic infection, be well for a period of time, and then succumb again to the same or another infection. PWAs in recuperative periods can often be cared for at home after hospitalization with proper nursing and home care. Some areas reporting to The U.S. Conference of Mayors relate success stories; in San Francisco, the Visiting Nurses Association has 85 hospice care spaces available for PWAs with waiting lists of two to three days.

However, even in San Francisco, as in other cities with high numbers of AIDS cases, the availability of home health care cannot meet the demand for services.

In New York City, the Human Resources Administration provided home care to 444 clients in 1989. The projected demand for the end of 1990 is 2,080.

According to Washington, DC Commission of Public Health estimates, 25% of PWAs in the city will require some type of home care services.

In Houston, the large number of persons with HIV infection coupled with the limited number of home health care agencies serving this population results in considerable unmet need. The home health agencies providing services to the low income population are only able to serve 10%-15% of those in need of services. An average of 40 individuals requesting services are unserved on a monthly basis.

Hospice care

Hospice service comprise end-stage care for persons with terminal illness and are designed to provide palliative and supportive services for the terminally ill, either through hospice facilities or home-based care. Cities responding to the USCM survey report:

In New York City there are currently no providers of hospice care. Most terminally-ill PWAs are served based on a continuum of care basis through health-related facilities or skilled-nursing facilities, because of existing funding restrictions and reimbursement mechanisms pertaining to hospices.

In Washington, DC, the Washington Home facility has an inpatient hospice program for PWAs. The facility has a capacity of nine beds.

A survey of Chicago hospices, both hospital-based and home-based, indicated that 200 PWAs have been served by hospice programs, which is approximately 10% of all PWAs in Chicago. The average amount of service required per PWA is 77 days.

In Miami, one agency in the area provides hospice services for 478 PWAs. The projected demand for hospice services for PWAs in Miami for the end of 1990 is 717.

[From the National Organizations Responding to Aids, Washington, DC; Mar. 5, 1990]

OVER FIFTY NATIONAL ORGANIZATIONS CALL FOR AIDS CARE RESPONSE

WASHINGTON.—This morning Senator Edward Kennedy introduced a bill to provide $500 million in federal assistance to states and cities for AIDS care. Calling today's action by Senators Kennedy and Hatch and (20) other co-sponsors "the most urgently needed and responsive AIDS initiative yet" more than 50 national organizations called on Congress to press for expeditious passage. The coalition of professional, service and community organizations known as the National Organizations Responding to AIDS (NORA) joined the Senate co-sponsors, Elizabeth Taylor, Mayor David Dinkins, and The National AIDS Commission in a Capitol Hill press conference this morning.

The bill formally called the "Comprehensive AIDS Resources Emergency Act of 1990" (CARE), calls for $500 million in federal assistance to all states to assist in planning and coordinating services for people with HIV. A major component of the legislation provides for "disaster relief" for the thirteeen cities hardest hit by the epidemic. "The nation's ability to respond with generosity and support to disasters such as Hurricane Hugo and the San Francisco earthquake provides the spirit upon which this bill is based" said Jean McGuire, chair of the NORA coalition. With more Americans lost to AIDS than any natural disaster or war in the last 30 years "this bill is a great example of sound legislation; built upon compelling need, responsive in an unprecedented crisis and compassionate in an appropriate and cost-effective manner" continued McGuire.

Calling the nation's ability to respond to the care needs of children, women, adolescents and men with AIDS and HIV infection as "burdened to the point of collapse", Donna Richardson of the American Nurses Association applauded the bill's ability to "empower communities to build upon existing systems and unite communities around the common decency of care". To date the federal response to AIDS has primarily focused on the prevention, education and research issues but not on the critical issue of assistance to people in accessing necessary care.

"This nation's billion dollar investment in AIDS research will only be profitable if access to the treatments is assured to people with HIV infection at the earliest opportunity" said Mike Merdian, of the National Association of People with AIDS. This bill gives both the necessary resources and the local flexibility to allow communities to begin the development of these service systems.

Noting that the President has recently sent $500 million to Panama for assistance and the same sum to US border cities to assist in the interdiction of illegal drugs, McGuire stated "we are hopeful that the President will endorse this bill as an equal partner in the priorities of our nation".

The National Organizations Responding to AIDS (NORA) is comprised of over 140 professional, religious, and AIDS service groups. The coalition was founded in 1987 and is currently the major political voice on AIDS and HIV on Capitol Hill.

Signed by—

AIDS Action Council.

AIDS National Interfaith Network.

American Anthropological Association's Task Force on AIDS.

American Association for Counseling and Development.

American Association for Marriage and Family Therapy.

American Association of University Affiliated Programs for Persons with Developmental Disabilities.

American College Health Association.

American Federation of State County and Municipal Employees.

American Foundation for AIDS Research.

American Home Economics Association.

American Medical Student Association.

American Nurses' Association.

American Psychological Association.

American Public Health Association.

Association of Schools of Public Health.

Catholic Health Association of the United States.

Center for Population Options.

Chronic Fatigue Syndrome Information Institute Inc.

Citizens Commission on AIDS.

City of Chicago.

City of New York.

City of Philadelphia.

Coalition for the Homeless.

Committee for Children.

Consortium of Social Science Associations.

Federation of Parents and Friends of Lesbians and Gays.
Human Rights Campaign Fund.
Infectious Diseases Society of America.
Legal Action Center.
National AIDS Network.
National Assembly of State Arts Agencies.
National Association of State Alcohol and Drug Abuse Directors.
National Association for Home Care.
National Association of Community Health Centers Inc.
National Association of Counties.
National Association of People with AIDS.
National Association of Protection and Advocacy Systems.
National Association of Public Hosptials.
National Association of Social Workers.
National Council on Alcoholism and Drug Dependence.
National Council on La Raza.
National Gay and Lesbian Task Force.
National Hemophilia Foundation.
National Hospice Organization.
National Minority AIDS Council.
National Puerto Rican Coalition.
National Urban Coalition.
Rainbow Lobby.
Service Employees International Union.
Sex Information and Education Council of the U.S.
The United States Conference of Mayors.
United States Conference of Local Health Officers.
UJA—Jewish Federation of New York.

[From the National Commission on Acquired Immune Deficiency Syndrome, Washington, DC, March 6, 1990]

STATEMENT ON THE "CARE" ACT OF 1990

The National Commission on AIDS endorses the principles and objectives of the Comprehensive AIDS Resources Emergency (CARE) Act of 1990. This legislation is responsive to many of the recommendations in the report issued by the National Commission on AIDS in December 1989, as well as to recommendations of the Presidential Commission Report on the HIV Epidemic of June, 1988.

There must be frank recognition that a health care crisis exists in many of our cities that will require extraordinary measures to overcome. The HIV epidemic of the 1990's will be far worse than what we have seen thus far. Our Nation simply must be prepared to invest adequate resources now or pay dearly later.

The CARE Act of 1990 will provide emergency funds to those areas hardest hit by the epidemic. It will provide critical support for services in hospitals, clinics, other health facilities, and in the home. The CARE Act will prompt the development of more effective systems for the delivery of health and support services, including early intervention. It will develop and fund mechanisms to assure continuity of health insurance coverage for people with HIV disease and will also create community-based consortia capable of delivering a comprehensive continuum of care.

The Commission's recent hearings and site visits in the Los Angeles, New York City, and northern New Jersey areas impressed upon us the serious need for increased coordination between the various levels of government. Managing the HIV epidemic is a responsibility that must be shared by all. This legislation would stimulate further planning and coordination between all levels of government and the private sector.

The health care system in this country is not working well and nowhere is that more evident than for people with HIV infection and AIDS. While AIDS is not the cause of the health care system's disarray, its epidemic nature has accelerated the urgent need for responsible national action to correct the system's serious shortfalls.

The Commission is extremely pleased that a strong bipartisan commitment has been made to enact this bill and looks forward to the passage and funding of comprehensive AIDS care legislation by the 101st Congress.

[From the Washington Office of the Episcopal Church, Washington, DC, Mar. 5, 1990]

STATEMENT IN SUPPORT OF COMPREHENSIVE AIDS RELIEF EXPANSION ACT OF 1990

(By Father Robert Brooks)

At the 69th General Convention of the Episcopal Church held in Detroit, Michigan in July, 1988, strong statements were adopted to help promote public policy to combat the AIDS crisis by advocating for long overdue funding to provide adequate public health care facilities for those suffering with AIDS.

Last year, The Most Reverend Edmond L. Browning, the Presiding Bishop of the Episcopal Church stated that the battle against AIDS is now a primary mission imperative of the Church. Since then, Bishop Browning has travelled across the country, committing a great deal of his time and energy as well as much of the resources of the National Church, advocating for the proper treatment and care for those suffering with AIDS.

Now, with this deadly disease having reached epidemic proportions, we must allocate emergency relief to those living in the metropolitan areas of the country that have been hardest hit by the AIDS public health disaster. It is a horrible fact that the 13 metropolitan target areas for disaster relief contain 55 percent of all the diagnosed AIDS cases in the United States.

However, it must also be understood that smaller cities, towns, and rural areas have not been immune from the ravages of AIDS. It is particularly in some of these areas, where care facilities don't exist or are largely inefficient and outdated, that the Church has also seen the need for action. It is in those communities where the National Church has worked in conjunction with local churches to expand the network of AIDS educators, caregivers and advocates for people with AIDS.

The Church is committed to combatting the AIDS crisis through education, anti-discrimination and comprehensive relief. Powerful legislation that will confront discrimination and the need for education passed by an overwhelming margin last fall. It is now time to put into motion a comprehensive plan to expand AIDS relief care and make it available to those in the most need of treatment.

It is said that one of the best tests of the greatness of a nation is to look at the way it treats those in need of assistance. As a great nation, we must strive to pass this test of our humanity by passing the Comprehensive AIDS Relief Expansion (CARE) Act of 1990.

[From the American Nurses' Association News, Washington, DC]

NURSES SUPPORT EMERGENCY AIDS RELIEF BILL

WASHINGTON, DC, March 6.—The American Nurses' Association (ANA) announces its strong support of the emergency AIDS relief legislation introduced today by Senators Edward M. Kennedy and Orrin Hatch.

The legislation is designed to provide $600 million in emergency assistance. Half of this amount would go to hard-hit cities and the other half to states to develop comprehensive HIV care programs, including services for small cities and rural areas where the rate of increase in AIDS cases is now greatest.

"Nurses are on the front lines in addressing the wide variety of health care needs of persons infected with HIV," said Lucille A. Joel, Ed.D., R.N., F.A.A.N., ANA president. "We know firsthand how desperately the health care institutions of this country need this emergency relief."

The legislation builds on the sound notion that new service systems are not necessary, but rather the strengthening of existing community services is appropriately called for and long overdue. Without this assistance, many public hospitals are in danger of bankruptcy and closing and community-based service organizations will not be able to withstand the overflow. ANA officials believe the legislation is a very efficient way of beginning to address the inordinate burden this disease has placed on the nation's health care facilities.

ANA is the national professional organization representing the nation's two million registered nurses through its 53 state and territorial associations. The association has a long history of advocacy work for persons infected with HIV disease, and is a member of the National Organizations Responding to AIDS.

[From the National Association of Community Health Centers, Inc.]

COMMUNITY HEALTH CENTERS LAUD KENNEDY CARE BILL

The National Association of Community Health Centers, which represents the over 600 federally-funded Community and Migrant Health Centers and Health Care for the Homeless Projects nationwide, strongly endorses the Comprehensive AIDS Resource Emergency (CARE) Bill being introduced today by Senator Edward M. Kennedy (D-MA), Chairman of the Senate Committee on Labor and Human Resources.

As the AIDS epidemic has progressed over the last few years, Community Health Centers have seen our neighborhoods placed increasingly at risk. The six million patients we see every year at our Centers' 2000 health care facilities, the majority of whom are minority women of childbearing age and their children, are victims of epidemics of teenage pregnancy and alltime high infant mortality rates in our country already, much less the new triple threats of AIDS, crack cocaine, and sexually-transmitted diseases. Maintaining healthy families in the face of these public health disasters, under a severely limited federal grants program, becomes a challenge to the most dedicated and innovative Center staff.

Our primary outpatient health care services must now include substantial counseling and risk identification, to bring patients to an awareness of and commitment to handle their risk. This often requires longer visit times and additional staffing. Our Cen-

ters must be able to offer AIDS-related screening as indicated, and care if necessary, even though these expensive drugs eat away the funds for drugs and services for all other patient care needs.

Centers must add these services if they are to be responsive, as their mandate dictates, to the community's health needs. After all, we see patients in most locations for whom our Centers are the only source of primary care other than emergency rooms.

Until this Bill, our Centers were despairing of the great financial risk these additional costs pose, in the face of level or unpredictably fluctuating grant funding under the Health Centers program in recent years.

This Bill acknowledges the need for fortification of frontline community clinic providers, immediately in its disaster relief provisions and for the future in its consortia and early intervention sections. Community Health Centers know what is needed, and stand ready to provide early care through the funding provided in this timely legislation.

[From the National Association of State Alcohol and Drug Abuse Directors, Washington, DC, Mar. 6, 1990]

NASADAD HAILS INTRODUCTION OF EMERGENCY AIDS LEGISLATION

The National Association of State Alcohol and Drug Abuse Directors, Inc. (NASADAD) joins with other members of the National Organizations Responding to AIDS (NORA) in strongly supporting emergency AIDS care legislation introduced today by Senators Edward Kennedy and Orrin Hatch and urges speedy consideration by the full Senate.

The Comprehensive AIDS Resource Emergency (CARE) Act of 1990 will assist States and local communities to more adequately respond to the health crisis related to AIDS/HIV and alcohol and other drug abuse. Additionally, the legislation will facilitate cooperative efforts between the primary health care system and the substance abuse treatment system to assure early intervention and continuity of care in the treatment of drug dependencies and other health problems.

"Alcohol and other drug abuse treatment programs throughout the United States are currently straining to meet two equally pressing demands: do more and do it better," stated NASADAD President John S. Gustafson, Deputy Director of the New York State Division of Substance Abuse Services. Mr. Gustafson added, "The urgency of these requirements has escalated as a result of several societal trends, including the spread of HIV/AIDS, the crack epidemic, and the increase in homeless persons, mentally ill chemical abusers and substance abusers who are parents."

AIDS has fundamentally changed the nature and scope of alcohol and other drug abuse treatment, and has introduced new areas of emphasis within treatment and service programs, ranging from the management of physically sick and dying clients to the provision of HIV testing services to the initiation of new outreach, counseling, and other services designed to prevent the spread of AIDS.

"The State Alcohol and Drug Abuse Directors appreciate the ongoing concern of Senators Kennedy and Hatch and others for persons with HIV/AIDS and those at risk for contracting the disease and laud their efforts to develop comprehensive AIDS policies supported by increased federal resources," stated NASADAD President Gustafson. "We stand ready to assist in the passage of legislation to effectively address the overwhelming drug treatment and primary health care needs of this growing population," he added.

The National Association of State Alcohol and Drug Abuse Directors, Inc. (NASADAD) is a not-for-profit organization comprised exclusively of the State and territorial Administrators of the publicly funded alcohol and other drug abuse prevention and treatment system. NASADAD's primary purpose is to foster and promote the development of effective alcohol and other drug prevention, intervention and treatment services throughout the Nation.

REMARKS BY AMFAR FOUNDING NATIONAL CHAIRMAN ELIZABETH TAYLOR AT NEWS CONFERENCE TO INTRODUCE THE COMPREHENSIVE AIDS EMERGENCY RESOURCE ACT OF 1990

I am so honored to be here with some of the most courageous political leaders in the fight against AIDS.

I want to offer my most heartfelt thanks to all of you who have joined this battle. Senator Kennedy and Senator Hatch, I applaud your ability to overcome partisan differences and join together to fight the disease. Mayor David Dinkins, your presence here testifies to the harrowing devastation AIDS is reaping on great cities such as New York.

AIDS is unmercifully killing people—people I know and love and, I suspect, people you know as well.

But sadly, the darkest days of the AIDS crisis still lie ahead of us. Hundreds of thousands of lives hang in the balance unless we begin to confront AIDS as a true national medical emergency.

And yet, there are those who would have us believe that this health crisis is no crisis at all, that the number of AIDS cases is levelling off, that heterosexuals are not at risk, and that AIDS has been overfunded.

Well, these people are wrong, dead wrong.

We cannot blind ourselves to the coming storm. We cannot fall victim to the dangerous trap of complacency and false security.

I have seen the horrible impact this disease has had on people from all walks of life. In my travels around the country, and to countries abroad, I have come face to face with the tragedy of AIDS. I have watched good friends wither away and die. I've seen newborn infants struggling to keep alive past their first birthday. I've seen the tragedy of women who became infected simply because no one bothered to warn them about the dangers of AIDS.

Quite frankly, I have seen enough. Isn't it time we stopped fooling ourselves about the threat of AIDS and launch an all-out assault on this heinous monster?

We need money—we need lots of money and we need it now. Our cities and States are being choked by the enormous cost of caring for AIDS patients. They can no longer cope, they need disaster relief now.

That's why I'm here. I am here to say that I will not stop fighting, I will not be silent until Congress passes this bill. Just think of it: a half a billion dollars. Think of what that money can do.

And please, I beg of you, think of the men, women and children who need our help. Think of their desperate struggle to survive in a world that until now has been indifferent to them, at best. We Americans are a generous people and we can't bear to witness undue suffering. Today, let us open our hearts and our pocketbooks. Common sense and human compassion tell us that we can do nothing less. Thousands and thousands of lives are depending on it.

Thank you very much.

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME,

Washington, DC, December 5, 1989.

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

DEAR PRESIDENT BUSH: The official charter for the National Commission on Acquired Immune Deficiency Syndrome (AIDS) was signed on August 2, 1989. Since that time the National Commission has convened a series of hearings to solicit information and recommendations from experts in the field of medicine and public health policy to assist the Commission in meeting its statutory mandate of "promoting the development of a national consensus on policy concerning acquired immune deficiency syndrome."

The testimony we recently heard on health care and financing was so compelling we felt it is vital to write you now, rather than wait until our statutorily required annual report next August. In fact, the Commission will continue to bring these urgent matters to your attention and to the attention of Congress as we hear from the experts about the Human Immunodeficiency Virus (HIV) epidemic and what is needed to respond to it.

The following represents the first of such reports which we hope will prompt appropriate action.

OVERVIEW

"We don't have time to sit around and have this Commission live out its life and issue another report and have another report, another Commission. . . . We have to act and we have to act swiftly."

This testimony was presented before the National Commission on Acquired Immune Deficiency Syndrome at a hearing held in Washington, DC., November 2nd and 3rd of this year. The Commission convened a meeting of experts to examine the global, national and local challenges confronting the United States in the HIV epidemic. The message from the experts was clear and alarming:

There is a dangerous, perhaps even growing, complacency in our country toward an epidemic that many people want to believe is over.

Far from over, the epidemic is reaching crisis proportions among the young, the poor, women and many minority communities. In fact, the 1990's will be much worse than the 1980's.

The link between drug use and HIV infection must be acknowledged and addressed in any national drug strategy.

There is no national plan for helping an already faltering health care system deal with the impact of the HIV epidemic.

Over the coming months, the Commission intends to bring the message of experts who have studied the problems and proposed the solutions to those who have the power to act. The Commission believes it is time to match rhetoric with action.

This letter is intended to outline the first of these messages from experts in the field of health care and financing: the public health care system in this country is not working well and nowhere is that more evident than for people with HIV infection and AIDS. While AIDS is not the cause of the health care system's disarray, it may well be

the crisis that could pressure responsible national action to correct its serious shortfalls.

SCOPE OF THE PROBLEM

To date, AIDS has claimed more American lives than the Vietnam War. Over the course of the next four years in this country, AIDS will likely claim an additional 200,000 lives. It is estimated that by 1991 AIDS will be among the top ten leading causes of death in the United States. Nearly one-half of all AIDS cases reported to the Centers for Disease Control (CDC) through May 1989 were diagnosed in people 30 to 39 years old. By 1991, ten years after the first AIDS cases were reported, AIDS will far exceed all other causes of death for people between the ages of 25 and 44 years. In testimony before the Commission, it was stated that nine times more adults around the world may develop AIDS during the 1990's than have developed AIDS during the 1980's.

The proportion of AIDS cases with intravenous drug use as a risk behavior has risen from 25 percent prior to 1985, to 30 percent in 1988. In New York City, alone, as estimated 100,000 intravenous drug users are HIV-infected.

The HIV epidemic is not just a New York City or a San Francisco problem as some would like to believe. While it is true that before 1985, 44 percent of all cases of AIDS were diagnosed in the New York City or San Francisco areas, by 1988 this proportion had fallen to 25 percent. By 1991, it is expected that 80 percent of new AIDS cases will come from outside New York City and San Francisco.

In increasing numbers, these new cases will be women and children. As one prominent pediatrician from New Jersey told the Commission, "As a society, we claim to protect and cherish our children, but in fact, we have placed women and children squarely in front of an onrushing HIV epidemic."

The cumulative incidence of AIDS cases is disproportionately higher in Blacks and Hispanics than in whites. Fully 25 percent of all persons with AIDS in the United States are African-American and the number is growing. In fact, there has been, as one witness told the Commission, "a disproportionate impact of HIV on disenfranchised populations, gays, the poor, racial minorities, women, adolescents and drug users—populations having already less than optimal access to quality health care. . . . The development of a national care and treatment strategy will require a rethinking of our past effort."

ACCESS TO CARE

Recent years have seen considerable advances in the development of new HIV-related drugs, including the prospect of treating HIV infection before symptoms develop. But scientific breakthroughs mean little unless the health care system can incorporate them and make them accessible to people in need.

The belief that Medicaid will pay for the health care needs of the growing number of low income people with HIV infection and AIDS is, as one expert witness told the Commission, a "Medicaid fantasy." According to one quarter of all AIDS patients have no form of insurance, a 1987 U.S. Hospital AIDS Survey, almost private or public. Less than 20 percent of the persons with AIDS treated in southern hospitals were covered by Medicaid, compared with 55 percent in the Northeast and 44 percent nationwide.

For the medically disenfranchised, there is no access to a system of care. For those who have no doctor, no clinic, no means of payment, access to health care services is most often through the emergency room door of one of the few hospitals in the community that treats people with HIV infection and AIDS. Five percent of the nation's hospitals treat fifty percent of the people with AIDS.

For those who are covered by Medicaid, access to care is better than for those who have no insurance at all. However, the obstacles to care under Medicaid funding can be insurmountable for many. One obstacle is the wide variation among states in Medicaid eligibility and scope of benefits. The Food and Drug Administration (FDA), under considerable public pressure, has struggled with mechanisms to speed new drugs to the market. Yet there is no requirement that Medicaid make even life-prolonging drugs such as zidovudine (AZT) available.

Another obstacle to needed care for persons with HIV infection and AIDS who qualify for Medicaid is the low reimbursement rates. Stunning examples of Medicaid physician compensation rates far below those by private insurance or Medicare were illustrated during the Commission hearing. For example, a new patient intermediate office visit in New York City is compensated by Blue Cross at $78, by Medicare at $80, and by Medicaid at $7. One witness indicated that physicians in New York with large AIDS practices were reluctant to refer Medicaid patients for specialty consultations because of low levels of reimbursement—levels so low that several physicians said the few dollars at stake per office visit were not worth the time and paperwork to bill the Medicaid program.

In summary, a series of problems have resulted in a health care system singularly unresponsive to the needs of HIV infected people: the initial appearance of HIV infection and AIDS in groups often shunned by the larger society—gay men, the poor, minorities, and intravenous drug users encouraged a slow response, a gross lack of training support for primary care physicians to treat people with HIV infection and AIDS, and serious disincentives for physicians to take Medicaid patients and perhaps poor people in general.

WHAT IS NEEDED?

First, frank recognition that a crisis situation exists in many cities that will require extraordinary measures to overcome. Significant changes must be made not only in our health care system but in how we think about the system and the people it is designed to serve. As one witness told the Commission, it can no longer be "business as usual."

Second, the creation of a flexible, patient-oriented, comprehensive system of care, closely linking hospital, ambulatory, residential, and home care. Primary care physicians must be central to such a system. But if primary care doctors are to care for patients with HIV infection and AIDS, they need the financial, social and institutional support to assist them in managing complicated patients.

Third, consideration of the creation of regional centers or networks of care, perhaps using the already existing regionalized hemophilia treatment program as a model. These centers would not serve as a replacement for the care provided by primary care physicians but would provide backup and consultation to help strengthen community based primary care.

It is essential that everyone be afforded early intervention and access to care. In addition, the availability of backup and consultation from appropriate specialists is required to provide the assistance and encouragement primary care doctors need to see more people with HIV infection and AIDS. Regional centers should also provide the appropriate link with the hospital when hospital services are needed.

Fourth, create units which can treat patients who have both HIV infection and drug addiction. The availability of drug treatment on request is essential for responding to the combined HIV and drug epidemic that imperils not only drug users but also their sexual partners and children.

Given the massive link between drug use and HIV infection, and the fact that there is an alarming increase in the number of new infections among intravenous drug users, the Commission wishes to go on record in expressing its surprise and disappointment that the White House National Drug Control Strategy mentions AIDS only four times in its ninety pages of text and not at all in its recommendations or discussions of how to allocate resources. The President's drug strategy simply must acknowledge and include HIV infection and AIDS.

Fifth, provide comprehensive health care services under one roof. Fragmented services create additional barriers to needed health care. Often mothers will seek health care services needed for their babies but are not able to then gain access to care for themselves. Health care services for women and children need to be provided in one place. For the homeless, housing and health care need to go hand-in-hand. This is true not only for those who are homeless today but for those who will become homeless tomorrow because of the HIV epidemic.

WHAT WILL IT COST?

Estimates of the national costs of direct medical care for persons with AIDS in 1991 range from $2.5 to 15.1 billion (in 1988 dollars). These estimates represent a small fraction of the total health care costs for the nation—from less than one to slightly more than three percent. We simply must be prepared to make these expenditures.

WHO IS RESPONSIBLE FOR ACTION?

In carrying out its mandate, the National Commission on AIDS will attempt to delineate clearly the roles and responsibilities of various levels of government and the private sector in responding to and managing the HIV epidemic.

To date, there is no national policy or plan, and no national voice. Currently, as one witness testified, without the definition of roles each level of government points a finger at another and says it is their job. Clearly, managing the HIV epidemic is a responsibility which must be shared by all.

Without federal leadership the states have assumed various degrees of responsibility for planning, coordination and the provision of care. Likewise some local governments have played key roles in determining how patient services could be provided and in demonstrating important models for service delivery.

The role of the private sector voluntary and professional AIDS service organizations has been all important in managing the HIV epidemic to date. Foundations and corporations have also been important and their roles need better recognition and definition.

"We must," the Commission was told, "move swiftly to bring the missing players to the table . . . this includes a greater lead-

ership, financing and service delivery. It includes the support and cooperation of the insurance industry, employers, physicians and other medical providers, and last but profit-wise not least, the pharmaceutical industry as well."

Responding to the challenge to bring the "missing players to the table," the National Commission on AIDS intends to do just that in hearings, working groups and other forums that can swiftly translate the facts into action and hold us all accountable for the national strategy that is long overdue. The time has come to define exactly what needs to be done, and measure how far we have come, and how much farther we still have to go.

On behalf of all of the members of the National Commission on AIDS, we look forward to being able to continue to bring important information to your attention.

Sincerely,

DAVID E. ROGERS, M.D.,
Vice Chairman,
JUNE E. OSBORN, M.D.,
Chairman.

[From the Los Angeles Times, Jan. 26, 1990]

AIDS: NATIONAL PANEL CALLS FOR EMERGENCY RELIEF

(By Kenneth J. Garcia)

The head of the National Commission on AIDS said Thursday the panel will seek emergency disaster relief money for the cities hardest hit by the AIDS epidemic because of inadequate federal, state and local funding.

Commission members meeting in Los Angeles said they would seek congressional support for a bill that would provide emergency funding—similar to relief provided for communities crippled by earthquakes, floods and hurricanes—for Los Angeles, New York, San Francisco, Newark and Miami.

SUMMARY OF THE COMPREHENSIVE AIDS RESOURCES EMERGENCY (CARE) Act of 1990

TITLE I—EMERGENCY ASSISTANCE

It is the purpose of this title to provide emergency relief to those metropolitan statistical areas hardest hit by the AIDS public health disaster (see Attachment A). Funds are to be used by eligible individual MSAs to:

(a) support hospitals, clinics, community health centers, and nursing/sub-acute care facilities serving a disproportionate share of low-income individuals and families with HIV disease.

(b) provide case-managed community-based outpatient health and support services for the purpose of reducing hospitalization and expediting discharge.

No funds under this Title may be used for renovation or rehabilitation of physical facilities unless the MSA can demonstrate that a critical shortage of long-term, sub-acute or congregrate care facilities exists within the service area. Federal funds used for remodeling must be matched (50/50) by the locality-state—with allowance for in-kind contribution.

50 percent of funds appropriated under this program must be distributed to MSAs with greater than 2000 AIDS cases within 60 days and shall be allotted according to relative number of AIDS cases and per capita incidence within the MSA.

50 percent of funds shall be awarded by Secretary as supplemental grants to MSAs with greater than 2000 AIDS cases. Such supplemental grants must be distributed within 5 months after funds become available on the basis of need, local investment, potential for immediate utilization, and development of a comprehensive plan for organization and delivery of HIV care, treatment and support services.

In order to receive funds, political subdivisions within each eligible MSA must establish an intergovernmental agreement and advisory board to govern allocation of resources.

Funds must supplement NOT supplant existing state, country, or local funds provided for services to individuals with HIV disease. In addition, funds may not be utilized for any purpose not specifically delineated in statute.

Authorizes $250 million for 1991 and 1992 with such sums as may be necessary in 1993, 1994, and 1995.

TITLE II—COMPREHENSIVE CARE PROGRAMS

It is the purpose of this title to provide for the organization, development and operation of more effective and cost efficient systems for the delivery of essential care, treatment, early intervention and support services to individuals and families with HIV disease. Eligible uses of funds include:

(a) Creating and operating local consortia of public and private health and support service entities capable of delivering a comprehensive continuum of care to individuals with HIV disease including children and families; if practical, a funded consortium must demonstrate an ability to deliver services to and address the needs of the full range of populations and subpopulations with HIV disease within its service area and must include participation of community organizations with a history of service to such individuals.

(b) Delivering outpatient, home health and support services to low-income, medically eligible individuals with HIV disease;

(c) Developing and funding mechanisms to assure continuity of health insurance coverage for individuals with HIV disease;

(d) Providing therapeutics determined to prolong life or prevention of serious deterioration of health of individuals with HIV disease;

(e) Integrating early intervention services with care and support services in existing public health and medical care settings.

Up to 10% of the funds appropriated under this title may be reserved by the Secretary to directly fund Special Programs of a National Significance for the care of individuals and families with HIV disease and for technical assistance to states.

The remainder of funds appropriated shall be distributed to states based on the number of AIDS cases reported to CDC by the state in the preceeding 24 months as a percentage of all AIDS US cases reported in the same period.

All states receiving funds must develop a comprehensive plan for HIV health and support services.

In states with significant incidence of AIDS (1% or more of the US AIDS cases), not less than 50% of funds appropriated under this title shall be distributed directly to local entities in areas hardest hit by HIV (see Attachment B).

In states with less than 1% of US AIDS cases, the state must assure than not less than 5% of funds are utilized to develop a plan for coordinating the delivery of services to individuals and families with HIV disease.

Authorizes $250 million in 1991 and 1992 with such sums as may be necessary in 1993, 1994, and 1995.

TITLE III—HIV HEALTH SERVICES RESEARCH

Directs the Agency for Health Care Policy and Research to evaluate the impact and cost effectiveness of various models of AIDS care.

ATTACHMENT A

DISASTER RELIEF AREAS

Eligible Metropolitan Statistical Areas (MSAs)—those with more than 2,000 diagnosed AIDS cases.

As of February 1, 1990, the following cities were eligible for relief according to the Centers for Disease Control.

These 13 cities have 74,363 diagnosed AIDS cases or 61% of all cases diagnosed in the United States.

[Dollar amounts in millions]

	Adults	Children	1st round allocation[1]	2d round allocation[2]
Atlanta	2,365	21	$3.9	(2)
Boston	2,010	33	3.0	(2)
Chicago	2,932	36	4.4	(2)
Dallas	2,068	8	3.1	(2)
Houston	3,495	29	5.5	(2)
Los Angeles	8,295	73	13.5	(2)
Miami	2,919	124	5.7	(2)
New York	22,912	557	46.0	(2)
Newark	3,339	99	6.5	(2)
Philadelphia	2,505	36	3.6	(2)
San Francisco	7,545	15	19.9	(2)
San Juan	2,057	73	4.5	(2)
Washington	370	51	5.3	(2)
Total	73,119	1,245	[1]125.0	[2]$125.0

[1] 1st round allocations totalling $125 million are made by formula (# cases and incidence) within 60 days of appropriation of funds.

[2] 2d round allocations totalling $125 million are distributed on the basis of competitive applications submitted by eligible areas, within 150 days of appropriation of funds.

ATTACHMENT B

STATES WITH A SIGNIFICANT INCIDENCE OF AIDS

Significant incidence—states with more tha 1% of the total number of AIDS cases reported in the last year. Ranked by the number of cases in each, these states area: New York, California, Florida, Texas, New Jersey, Illinois, Puerto Rico, Pennsylvania, Georgia, Massachusetts, Maryland, District of Columbia, Louisiana, Ohio, Washington, Connecticut, Michigan, Virginia, Missouri, and Colorado,

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[From the New England Journal of Medicine, New York, NY]

EDITORIAL: FEDERAL SPENDING ON AIDS—HOW MUCH IS ENOUGH?

(By David E. Rogers, M.D.)

I believe that we are spending vastly too little on AIDS from the federal purse and are targeting some of it very poorly. Although the amount of scientific knowledge about HIV infection that has been generated in a very short time has been breathtaking and bodes well for the future, the degree of human misery and suffering associated with AIDS far exceeds anyting I have witnessed during my 40-year professional lifetime. What has happened to too many persons with AIDS is so heart-wrenching as to be almost unbelievable. It shames us as a nation. Not all this sorrow could have been prevented by increased expenditures on the disease, but some of the tragedies accompanying the AIDS epidemic could have been softened by better funding, coupled with aggressive but compassionate leadership at all levels.

NOTE:—David Rogers is President Bush's appointee to the National Commission on AIDS.

NEED FOR LEGISLATION AND RECOMMENDATIONS FROM PRESIDENTIAL COMMISSION ON THE HIV EPIDEMIC—FINAL REPORT, JUNE 1988

The Presidential Commission on the HIV Epidemic was a group of 15 individuals all of whom were appointed by President Reagan. The commission was chaired by Admiral James Watkins, now Secretary of Energy. Excerpts from their final report follow.

OBSTACLES TO PROGRESS

Witnesses before the Commission and other experts expressed concern that our health care delivery system currently is structurally and financially unprepared to deal with the diverse needs of people with HIV infection, as well as those with other chronic illnessses.

Much of the newly emerging HIV patient population is dependent on already overburdened municipal hospital systems.

Health care service resources to date have primarily been directed toward meeting the acute care needs of persons diagnosed with AIDS and not been available to others in the HIV patient spectrum for diagnosis, early intervention, or support.

Currently, the vast array of services required for people with HIV infection are uncoordinated or may be available only in pieces. A person with HIV infection is confronted by a complex system of fragmented and expensive services. Out-of-hospital care is generally inadequate. Indeed, a large and growing number of HIV infected persons are poor and medically underserved, and are covered by Medicaid and other forms of public assistance. If a wider range of coordinated out-of-hospital services were available, hospitalizations could presumably be decreased.

The range of services is inadequate to meet the diverse and often complex needs of HIV infected families. Available services, such as day care, home care, respite care, and psychosocial services, would decrease the number of hospitalizations of children with AIDS and help to maintain the intactness of the natural family.

The private and public health care reimbursement systems emphasize institutional care and are unresponsive to alternative health services, which may be more desirable from the patient's perspective and more cost effective over the long term.

A pluralistic approach involving public and private financing of HIV related care is being jeopardized by inadequate insurance coverage of HIV infected individuals.

RECOMMENDATIONS

Municipal hospital systems in high prevalence cities should assess their current and five-year anticipated demand for HIV related services for incorporation into a plan for increased funding for patient care in community and long term care settings.

Health care facilities should provide or arrange for a case manager or some equivalent mechanism for assuring continuity of care for HIV infected persons who use their facilities.

Facilities which currently care for persons infected with HIV should be encouraged to make available psychosocial care as needed.

The Public Health Service through HRSA and in collaboration with the states should provide funding and technical assistance to communities in order to establish services to fill existing gaps and to develop coordinated networks of service. Systems created should include a continuum of services, emphasize alternatives to hospitalization, and utilize a case-management approach.

The Community Health Center Program should be increased in high incidence areas to allow for the provision of additional services to persons infected with HIV. Community Mental Health Centers should develop programs targeted for persons infected with HIV and their loved ones.

The federal government and the states should provide funds for home health care services for underinsured persons with HIV infection. Each state's federal allocation for home health care should be based on the ratio of the number of persons with AIDS in the state to the total number of persons with AIDS in the US.

In areas where availability of intermittent or chronic care services is encumbered by local restrictions or zoning requirements, local governments should provide reasonable variances to permit such care to be available.

Consideration should be given to providing federal assistance to help pay the private insurance premium, under the COBRA program, for persons unable to pay full premium.

The federal government should encourage all states to enact a qualified state pool for medically uninsurable individuals.

EXCERPTS FROM THE NATIONAL COMMISSION ON AIDS—REPORT NO. 1, DEC. 1, 1989

ACCESS TO CARE

Recent years have seen considerable advances in the development of new HIV-related drugs. But scientific breakthroughs mean little unless the health care system can incorporate them and make them accessible to people in need.

The belief that Medicaid will pay for the health care needs of the growing number of low-income people with HIV infection and AIDS is, as one expert told the Commission, a Medicaid fantasy. According to a 1987 US Hospital AIDS Survey, almost one quarter of all AIDS patients have no form of insurance, private or public. Less than 20 percent of the persons with AIDS treated in southern hospitals were covered by Medicaid, compared with 55 percent in the Northeast, and 44 percent nationwide.

For the medically disenfranchised, there is no access to a system of care. For those who have no doctor, no clinic, no means of payment, access to health care services is most often through the emergency room door of one of the few hospitals in the community that treats people with HIV infection and AIDS; 5 percent of the nation's hospitals treat 50 percent of the people with AIDS.

In summary, a series of problems have resulted in a health care system singularly unresponsive to the needs of HIV infected people.

WHAT IS NEEDED

(1) Frank recognition that a crisis situation exists in many cities that will require extraordinary measures to overcome;

(2) The creation of a flexible, patient-oriented, comprehensive system of care, closely linking hospital, ambulatory, residential, and home care;

(3) Comprehensive health care services under one roof. Fragmented services create additional barriers to needed health care. Health care services for women and children need to be provided in one place.

WHO IS RESPONSIBLE FOR ACTION?

To date, there is no national policy or plan, and no national voice. Currently, as one witness testified, without the definition of roles each level of government points a finger at another and says it is their job. Clearly, managing the HIV epidemic is a responsibility which must be shared by all.

COMMENTS ON URBAN AIDS CRISIS

"The concentration of AIDS patients in a few hospitals is threatening to overwhelm these providers financially and limit their ability to treat other patients, bringing many to the brink of rationing. * * * Public hospitals average a loss slightly over $200 per AIDS inpatient day, with the average public hospital in the northeast losing over $600,000 per year in AIDS care."—Dennis Andrulis, President, National Public Health and Hospital Institute.

"The crisis in our emergency rooms is widespread and growing, limiting access to emergency care and potentially cutting the quality of care beyond the margin of safety. I cannot overemphasize the effect of poverty, AIDS, and drug abuse as adding substantially to increase the number of patients entering the health care system through the emergency department. AIDS may be the straw that breaks the camel's back."—Steven Lynn, M.D., Chairman, Task Force on Overcrowding, American College of Emergency Physicians, December 1989.

"The role of cities in financing the HIV epidemic is clearly limited, with the burdens of almost every conceivable crisis facing America today—drugs, declining stocks of affordable housing, aging infrastructures—evolving with a vastly decreased federal role. Since 1980, the federal government has reduced by 80% in real dollars its support of urban programs addressing these problems. There is no room for placing yet another burden, another role and responsibility, upon cities. Though those infected with HIV live primarily in cities, HIV is a national epidemic; we simply cannot place any further financial burden on localities where it cannot be borne."—The Honorable Donald Fraser, Mayor of Minneapolis, Chair, Task Force on Health Care, U.S. Conference of Mayors.

[From the Washington Post, Mar. 3, 1989]

N.Y. HOSPITALS BECOMING OVEREXTENDED

(By Howard Kurts)

NEW YORK, March 2—City hospitals are so crowded by AIDS patients that there is "a dire possibility" that they soon will be unable to care for other seriously ill people, a mayoral task force said today.

With many New York hospitals operating at 95 percent of capacity and some emergency rooms being used to house patients for several days, the city's health-care system "is on the verge of being overwhelmed," the panel said.

"The city has been doing the best it can, but that hasn't been anywhere near enough," Dr. David Rogers of the AIDS task force named by Mayor Edward I. Koch (D), told reporters.

New York City has one-fourth of the nation's acquired immune deficiency syndrome cases. About 10,000 residents have died of AIDS, and the city, in an estimate that is widely considered too cautious, says 200,000 people have been infected by the virus and that about half of them will become seriously ill in the next five to 10 years.

The panel said this epidemic "threatens to become the city's social catastrophe of this century." It recommended, among other things, that the city add 300 to 500 hospital beds and 1,500 nursing-home beds, for AIDS patients and create two facilities to house another 400 patients with AIDS related illnesses."

The task force was vague about funding at a time when the city and state face budget deficits.

Koch sharply criticized federal officials for failing to provide special aid to New York. "If it were a natural disaster, they'd be all over us," he said. "What we should pray for is an earthquake * * *. We cannot do it by ourselves.

The report painted a bleak picture of "grossly overcrowed" hospitals with "markedly overstressed staffs." Hundreds of beds remain closed because of a shortage of nurses and technicians, and many hospitals are in "precarious finanical condition."

While 1,700 AIDS patients occupy about 6 percent of the city's medical beds, in many cases because there is no other place to move them, the panel predicted, that the number will double or triple by 1994. Some experts consider that estimate conservative by half.

Nor is the burden equally shared among the city's 76 hospitals. Ten hospitals, most of them in Manhattan, care for more than half of the AIDS patients. At King's County Hospital in Brooklyn, 80 percent of the beds are occupied by patients with AIDS-related illnesses.

The report noted that a growing portion of AIDS patients are "poor, black or Hispanic i.v. drug users," adding: "The opportunity, for unpleasant social conflicts with significant racial overtones is all too obvious."

Panel experts, said the influx of AIDS cases would add $1 billion to $2 billion annually to the city's $20 billion health-care bill by 1992.

Gov. Mario M. Cuomo (D), released a five-year AIDS plan last month, acknowledged that the state was not allotting enough money for hospitals, education and drug programs to meet the plan's goals. He has proposed cutting Medicaid payments to city hospitals to help close a $2 billion budget deficit.

[From the Atlanta Journal and Constitution, Aug. 2, 1989]

AIDS CASES CAUSING "GRIDLOCK" AT SOME HOSPITALS

(By Hal Straus)

Four percent of the nation's hospitals are caring for more than half of its AIDS patients, a new study shows.

The increasingly uneven burden is trapping the poor—even those who don't have AIDS—in a kind of health care "gridlock" and threatening to drive some hospitals into insolvency, health authorities say.

The National Public Health and Hospital Institute survey showed that the problem appeared to be particularly severe in the South, where public hospitals lost an average of $7,488 for every AIDS patient they treated in 1987.

"Finding the resources to deal with the AIDS problem is one of the hardest things we've ever done, and it's going to get worse," said Robert Parrish, director of ambulatory care at Grady Memorial Hospital, which currently treats more than half of Georgia's AIDS patients.

"You add AIDS patients, but no one is adding hospital beds," he said. "What about the folks that used to be in those beds?"

Nationwide, the number of AIDS cases, now nearing the 100,000 mark, is expected to reach 300,000 by 1992. The latest study estimated that in 1987, hospital costs for AIDS care, not including doctors' fees, totaled $486 million.

The latest survey—scheduled for publication in next week's Journal of the American Medical Association—looked at AIDS patients admitted to 332 of the nation's 6,800 hospitals in 1987 and the cost of caring for them.

Two hundred seventy-six of the hospitals cared for 14,145 AIDS patients—52 percent of the people that year who had the deadly disease. Nearly 17 percent of the AIDS victims were treated at only 10 of the hospitals.

The study found that AIDS patients placed a finanical burden on the hospitals because most of them had no private insurance.

Nationwide, participating hospitals spent an average of $17,910 on each AIDS patient, but were able to collect only $14,334.

The red ink was more evident at public hospitals in the South—which spent $11,989 for each AIDS patient but collected just $4,501. The discrepancy may reflect lower Medicaid payments for the treatment of indigent patients in many Southern states.

Health experts said the flood of AIDS patients is overloading inner-city public hospitals that traditionally care for the poor.

New York City public hospitals, for example, have only 16 percent of the city's hospital beds, but now care for about a third of the city's AIDS patients, according to Paul Moore, director of AIDS programs for the New York City Health and Hospitals Corp.

"The result of gridlock," said Mr. Moore. "Patients are having to wait two and three days in the emergency rooms before they can get a bed—whether they have AIDS or not. I don't even want to think what things will be like in three years."

Grady currently cares for about 800 AIDS victims, more than half the State total, most of whom are treated as outpatients. By comparison, West Paces Ferry Hospital, a private hospital in northwest Atlanta, treats seven or eight AIDS patients a day, according to officials there.

According to Mr. Parrish, Grady can pay for its AIDS programs only because its $200 million-a-year budget is supported by Fulton and DeKalb taxpayers, as well as state aid and special grants from private foundations and the federal government.

Federal and foundation grants, however, are expected to expire next year, and the AIDS caseload is still growing.

"If you go to the General Assembly with this, it's viewed as a life-style problem, an Atlanta problem, a problem that will take care of itself because it's fatal," said Mr. Parrish.

COMMENTS ON RURAL AIDS CRISIS

"With such low incidence rates of AIDS in rural areas in the past, false security may lull people into complacency. AIDS heretofore primarily an urban disease, is increasing in incidence and prevalence in small communities and rural areas of this country. Not only are people returning to their rural families after diagnosis, but people are being diagnosed HIV positive and with AIDS while residing in rural communities.

"While services and programs to meet the needs of people with AIDS have been established in metropolitan areas, many small communities are ill equipped to provide comprehensive services. The challenge for rural social workers and health care professionals who assume the responsibility of helping people with AIDS and their loved ones is further compounded by incredible isolation and stigmatization."—Romel W. Mackelprang, DSW, Eastern Washington University.

"AIDS has come home to Mississippi—often times, to die. Perceived to be a plague affecting other people—homosexuals, urban dwellers, intravenous drug users, prostitutes—AIDS is invading communities at every crossroad."—Jackson Daily News.

"The survey done by the American College of Emergency Physicians reported severe hospital and emergency room overcrowding in 41 states. The problem we see today seems to be increasing in scope and scale and extending beyond the confines of the inner city into the suburbs and into the rural areas as poverty, AIDS, and drug abuse moves out of the city as well."—Dr. Stephen Lynn, American College of Emergency Physicians.

"Increased attention and resources should be devoted to the problems of AIDS in rural communities. Coordinated and comprehensive services should be planned and delivered with the appropriate involvement of local, regional, and state units. Regional approaches are strongly recommended as a means of maximizing limited resources while avoiding duplication of efforts. However, local involvement is a must, and rural communities must be willing to take the initiative for service delivery even in the absence of regional and state actions."—Peggy Cleveland, MSW, Ph.D., University of Georgia.

[From the Atlanta Journal and Constitution, Jan. 20, 1990]

AIDS CASES TRIPLE IN 2 YEARS—DISEASE AFFECTING SMALL CITIES, RURAL AREAS AS WELL AS ATLANTA

(By Steve Stormberg)

Georgia has one of the fastest growing AIDS epidemics in the nation, according to a state report released Friday.

The state's Department of Human Resources (DHR) reported that the number of AIDS cases has tripled in the past two years—with the spread of the disease in rural areas and small cities keeping pace for the first time with the growth in Atlanta.

Only New York, New Jersey, California and Florida reported higher rates of AIDS during the last year.

State health officials said the "significant epidemic" now emerging in central and southeastern Georgia is being fueled primarily by drug abuse and heterosexual transmission of the virus from male drug abusers to their female sexual partners.

"Intravenous drug abuse is as much of a problem out there as here," said Dr. Bruce Whyte, a medical epidemiologist in the state's office of infectious diseases. He said sexual transmission to partners of drug abusing men has markedly increased the reach of the epidemic.

Dr. Whyte said state epidemiologists had not expected to find AIDS spreading so rapidly among women in smaller cities and rural areas.

"That was a surprise to us," he told the Georgia AIDS Task Force.

As a result, officials said, there has been a sharp increase in the cumulative number of AIDS cases among women in Georgia, from 16 in 1986 to 172 in 1989. There were 20 times as many drug-related AIDS cases

among black women as among white women.

Epidemic experts have documented several other features of the AIDS epidemic in Georgia:

The proportion of AIDS cases among homosexual and bisexual men in Georgia decreased from 78 percent to 68 percent, and the proportion of cases among IV drug users rose from about 8 percent to more than 14 percent.

Minorities make up a disproportionate number of the state's AIDS victims. Blacks constitute 26 percent of the state's population but 36 percent of reported AIDS cases.

Military recruits in Georgia have a higher incidence of AIDS virus infection than the national average. Overall, 1.9 of every 1,000 military recruits in Georgia tested positive, compared with a national average of 1.3 per 1,000. The rate among black recruits in Georgia was 3.1 per 1,000.

Nearly seven of every 1,000 women tested for exposure to AIDS at Grady Memorial Hospital's obstetrics clinic are infected with the virus.

Pediatric AIDS cases in the state increased from 25 in 1988 to 34 in 1989, and epidemiologists said the actual toll probably is far higher.

Outside Atlanta and Savannah, facilities for AIDS patients are scarce—non-existent in some areas—even though there are nearly 500 cases in southern and central Georgia and another 200 in northern counties.

Once you leave metro Atlanta, resources are scant," said Dr. Paul Jurgenson, a Savannah physician and member of the state's AIDS task force.

Currently, the state provides about $2.7 million for AIDS programs, with $813,700 going to Grady's infectious disease clinic; $90,000 to Grady's pediatric AIDS project; $140,000 to AID Atlanta; $100,000 to Savannah's regional AIDS clinic; $100,000 for public information and education; $1.3 million for staff and costs; and $281,688 for laboratory services.

DHR has requested as additional $3.6 million for its AIDS programs for the coming fiscal year, but Gov. Joe Frank Harris has recommended an increase of only $716,000—mostly to expand the number of employees in the county health departments and $258,000 in additional money to Grady.

The governor's budget would not allow DHR to open three new AIDS outpatient clincs it had requested in Augusta, Columbus and Macon.

Mr. Harris also turned down DHR's request for $50,000 to launch community-based programs, similiar to AID Atlanta, in Savannah and Augusta, and $590,000 to replace an expiring private grant that provided meals-on-wheels and other community services to AIDS patients in the metro area.

Sen. Pierre Howard (D-Decatur), chairman of the Senate's Human Resources Committee, called the new statistics "a fairly dramatic development" and said he would present them to his committee.

"I think it merits our attention," he said. "It's really tragic."

State legislators have introduced four AIDS-related bills this session, all of which address the confidentiality of the medical records of AIDS patients.

[From the Department of Health and Human Services, Public Health Service Centers for Disease Control, Mar. 28, 1990]

MEMORANDUM

From: Chief, Statistics and Data Management Branch AIDS Program, CID, CDC.

To: Terry Beirn, Senate Labor Committee.

Attached is the information you requested on the increase in reported AIDS cases in my metropolitan area. The first table shows individual metropolitan statistical areas (MSAs) my name (column 1), together with a 1988 estimate of the population in the area (column 2), number of AIDS cases reported to CDC in 1988 (column 3), number reported in 1989 (column 4), and the percentage increase from 1988 to 1989 (column 5). Notice that among the 25 areas with with highest increases, only 1 (4% of 25) has a population of over 1,000,000. Among the remaining MSAs, 44 of 174 (25%) have populations over 1,000,000.

The shift in the distribution of cases from more urban to more rural areas is best seen in the second table. All MSAs over 500,000 population have been grouped in the first row, those of less that 500,000 in the second row, and areas outside of MSAs in the third row. As you can see, the increase from 1988 to 1989 in the large MSAs is small (only 5%) compared to areas not in MSAs (37%).

I hope these tables are helpful. If you need more information, please let me know.

MEADE MORGAN.

SPECIAL REQUEST ANALYSIS FOR TERRY BEIRN, SENATE LABOR COMMITTEE, CDC AIDS SURVEILLANCE DATA BASE AS OF MARCH 1990

	Metropolitan area of patients residence	1988 population	Case total 1988	Case total 1989	Percent change 1988 to 1989
(3408)	Indianapolis, IN	1,239,517	39	175	348.718
(2960)	Gary-Hammond, IN	597,488	8	35	337.500
(2710)	Fort Pierce, FL	222,389	23	83	260.870
(5345)	Naples, FL	132,663	14	49	250.000
(3960)	Lake Charles, LA	171,940	6	18	200.000
(4600)	Lubbock, TX	230,857	7	20	185.714
(3160)	Greenville-Spartanburg, SC	616,855	14	38	171.429
(3660)	Johnson City-Kingsport-Brst., TN-VA	443,308	9	22	144.444
(7920)	Springfield, MO	232,773	14	33	135.714
(920)	Biloxi-Gulfport, MS	209,189	14	30	114.286
(6403)	Portland ME NECMA	236,170	11	23	109.091
(5170)	Modesto, CA	337,144	19	38	100.000
(7880)	Springfield, IL	191,356	6	12	100.000
(1760)	Columbia, SC	458,986	36	71	97.222
(2320)	El Paso, TX	589,323	17	33	94,118
(8680)	Utica-Rome, NY	312,104	15	29	93.333
(640)	Austin, TX	763,984	108	205	89.815
(560)	Atlantic City, NJ	307,511	55	104	89.091
(6080)	Pensacola, FL	349,886	27	50	85.185
(680)	Bakersfield, CA	515,471	20	37	85.000
(2020)	Daytona Beach, FL	340,838	32	59	84.375
(3520)	Jackson, MI	148,003	6	11	83.333
(3120)	Greensboro/Winston-Salem/H.Pt. NC	928,584	40	72	80,000
(8520)	Tucson, AZ	638,555	34	61	79.412
(8240)	Tallahassee, FL	225,755	17	30	76.471
(8003)	Springfield, MA NECMA	585,927	25	44	76.000
(200)	Albuquerque, NM	501,430	28	49	75.000
(6720)	Reno, NV	235,891	22	38	72.727
(6280)	Pittsburg, PA	2,080,650	94	158	68.085
(2680)	Ft Lauderdale-Hllywd-Pomp. Bch FL	1,179,854	360	601	66.944
(3965)	Lake County, IL	505,772	12	20	66.667
(7510)	Sarasota, FL	260,654	36	60	66.667
(1440)	Charleston, SC	511,935	41	66	60.976
(4000)	Lancaster, PA	409,811	20	32	60.000
(6760)	Richmond-Petersburg, VA	835,956	59	93	57.627
(1310)	Caguas, PR	274,087	87	137	57.471
(1800)	Columbus, GA-AL	247,330	13	20	53.846
(2560)	Fayetteville, NC	260,428	15	23	53.333
(760)	Baton Rouge, LA	541,355	34	51	50,000
(1280)	Buffalo, NY	951,411	46	69	50.000
(2640)	Flint, MI	435,387	14	21	50.000
(5950)	Orange County, NY	292,511	42	63	50.000
(8200)	Tacoma, WA	552,981	24	36	50.000
(8440)	Topeka, KS	163,287	6	9	50.000
(720)	Baltimore, MD	2,327,038	313	465	48.562
(6640)	Raleigh-Durham, NC	683,605	66	97	46.970
(7490)	Santa FE, NM	115,934	15	22	46.667

SPECIAL REQUEST ANALYSIS FOR TERRY BEIRN, SENATE LABOR COMMITTEE, CDC AIDS SURVEILLANCE DATA BASE AS OF MARCH 1990—Continued

	Metropolitan area of patients residence	1988 population	Case total 1988	Case total 1989	Percent change 1988 to 1989
(4120)	Las Vegas, NV	616,603	87	126	44.828
(5403)	New Bedford/Fall River MA NECMA	478,644	30	43	43.333
(1720)	Colorado Springs, CO	402,549	21	30	42.857
(3400)	Huntington-Ashland, WV-KY-OH	320,693	7	10	42.857
(3320)	Honolulu, HI	842,287	87	121	39.080
(520)	Atlanta, GA	2,754,500	619	860	38,934
(7485)	Santa Cruz, CA	225,561	26	36	38.462
(7600)	Seattle, WA	1,823,822	260	360	38.462
(8720)	Vallejo-Fairfield-NAPA, CA	414,681	41	56	36.585
(4720)	Madison, WI	349,791	11	15	36.364
(7680)	Shreveport, LA	366,909	17	23	35.294
(3710)	Joplin, MO	134,914	6	8	33.333
(3283)	Hartford/N Britain NECMA	1,110,145	108	142	31.481
(4900)	Melbourne-Titusville-Palm Bay, FL	386,941	29	38	31.034
(5790)	Ocala, FL	188,556	13	17	30.769
(2920)	Galveston-Texas City, TX	212,689	23	30	30.435
(8160)	Syracuse, NY	645,725	30	39	30.000
(8725)	Vancouver, WA	218,884	10	13	30.000
(1520)	Charlotte-Gast.-Rock Hill, NC-SC	1,112,188	68	88	29.412
(3000)	Grand Rapids, MI	667,689	21	27	28.571
(3690)	Joliet, IL	382,631	14	18	28.571
(5700)	Niagara Falls, NY	215,489	7	9	28.571
(5000)	Miami-Hialeah, FL	1,811,496	704	899	27.699
(5190)	Monmouth-Ocean, NJ	979,092	141	180	27.660
(5560)	New Orleans, LA	1,327,135	241	306	26.971
(620)	Aurora-Elgin, IL	359,525	15	19	26.667
(2700)	Fort Worth-Cape Coral, FL	306,233	78	98	25.641
(2800)	Fort Worth-Arlington, TX	1,316,701	122	153	25.410
(2840)	Fresno, CA	606,499	40	50	25.000
(4763)	Manchester/Nashua NH NECMA	331,868	12	15	25.000
(7560)	Scranton-Wilkes-Barre, PA	730,915	20	25	25.000
(2080)	Denver, CO	1,667,854	257	321	24.903
(6680)	Reading, PA	325,576	25	31	24.000
(2000)	Dayton-Springfield, OH	942,007	46	57	23.913
(8480)	Trenton, NJ	332,295	65	80	23.077
(9160)	Wilmington, DE-NJ-MD	565,507	52	64	23.077
(6440)	Portland, OR	1,177,727	141	173	22.695
(6160)	Philadelphia, PA-NJ	4,890,922	637	780	22.449
(3600)	Jacksonville, FL	899,226	162	196	20.988
(6780)	Riverside-San Bernardino, CA	2,212,009	177	213	20.339
(1140)	Bradenton, FL	187,262	15	18	20.000
(3240)	Harrisburg-Lebanon-Carlisle, PA	584,961	40	48	20.000
(7500)	Santa Rosa-Petaluma, CA	361,982	95	114	20.000
(7440)	San Juan, PR	1,555,528	736	877	19.158
(6920)	Sacramento, CA	1,370,110	141	168	19.149
(4480)	Los Angeles-Long Beach, CA	8,651,592	1,938	2,306	18.989
(6460)	Poughkeepsie, NY	259,813	70	83	18.571
(360)	Anaheim-Santa Ana, CA	2,256,024	235	278	18.298
(4360)	Lincoln, NE	209,388	6	7	16.667
(7080)	Salem, OR	268,685	6	7	16.667
(6360)	Ponce, PR	239,752	177	206	16.384
(1163)	Bridgeport/Stamford, CT NECMA	818,720	116	134	15.517
(960)	Binghamton, NY	258,678	7	8	14.286
(6120)	Peoria, IL	334,817	7	8	14.286
(8960)	W. Palm Bch-B. Ratn-Delray Bch, FL	818,279	300	340	13.333
(600)	Augusta, GA-SC	400,582	56	63	12.500
(2400)	Eugene-Springfield, OR	264,558	16	18	12.500
(8320)	Youngtown-Warren, OH	498,039	16	18	12.500
(7320)	San Diego, CA	2,350,245	445	499	12.135
(5160)	Mobile, AL	491,099	42	47	11.905
(1150)	Bremerton, WA	177,523	9	10	11.111
(9200)	Wilmington, NC	117,852	9	10	11.111
(8120)	Stockton, CA	456,537	28	31	10.714
(7520)	Savannah, GA	245,069	44	48	9.091
(1000)	Birmingham, AL	924,634	69	75	8.696
(2160)	Detroit, MI	4,375,086	324	350	8.025
(4680)	Macon-Warner Robins, GA	285,516	25	27	8.000
(6200)	Phoenix, AZ	2,045,691	222	239	7,658
(5080)	Milwauke, WI	1,390,973	66	71	7.576
(1600)	Chicago, IL	6,212,801	867	929	7.151
(5775)	Oakland, CA	1,991,477	360	385	6.944
(8840)	Washington, DC-MD-VA	3,711,651	809	858	6.057
(3880)	Lafayette, LA	211,870	18	19	5.556
(7040)	St. Louis, MO-IL	2,475,664	168	177	5.357
(9040)	Wichita, KS	478,045	21	22	4.762
(5120)	Minneapolis-St. Paul, MN-WI	2,371,411	149	156	4.698
(5380)	Nassau-Suffolk, NY	2,625,852	352	368	4.545
(8560)	Tulsa, OK	738,355	48	50	4.167
(7360)	San Francisco, CA	1,598,900	1,751	1,816	3.712
(240)	Allentown-Bethlehem, PA-NJ	671,029	30	31	3.333
(1123)	Boston/Lawrence/Salem, MA NECMA	3,746,244	570	585	2.632
(6483)	Providence/Pawtckt RI NECMA	901,132	80	81	1.250
(160)	Albany-Schenectady-Troy, NY	847,725	72	72	0.000
(1320)	Canton, OH	395,499	9	9	0.000
(1540)	Charlottesville, VA	124,759	6	6	0.000
(2900)	Gainesville, FL	208,850	27	27	0.000
(5240)	Montgomery, AL	300,322	14	14	0.000
(5320)	Muskegon, MI	159,636	7	7	0.000
(5523)	New London/Norwich CT NECMA	248,001	26	26	0.000
(8080)	Steubenville-Weirton, OH-WV	146,108	6	6	0.000
(8360)	Texarkana, TX-Texarkana, AR	121,652	12	12	0.000
(1920)	Dallas, TX	2,534,336	544	538	−1.103
(3760)	Kansas City, MO-KS	1,566,687	244	240	−1.639
(3980)	Lakeland-Winter Haven, FL	394,948	50	49	−2.000

SPECIAL REQUEST ANALYSIS FOR TERRY BEIRN, SENATE LABOR COMMITTEE, CDC AIDS SURVEILLANCE DATA BASE AS OF MARCH 1990—Continued

	Metropolitan area of patients residence	1988 population	Case total 1988	Case total 1989	Percent change 1988 to 1989
(4520)	Louisville, KY-IN	969,424	45	44	−2.222
(1680)	Cleveland, OH	1,846,843	129	126	−2.326
(3360)	Houston, TX	3,256,121	914	892	−2.407
(8280)	Tampa-St. Pete.-Clearwater, FL	2,005,340	404	393	−2.723
(1880)	Corpus Christi, TX	363,603	21	20	−4.762
(4040)	Lansing-East Lansing, MI	431,632	17	16	−5.882
(2975)	Glens Falls, NY	112,537	27	25	−7.407
(8400)	Toledo, OH	611,103	25	23	−8.000
(1840)	Columbus, OH	1,334,992	121	111	−8.264
(5015)	Middlesex-Somerset-Hunterdon, NJ	984,585	204	187	−8.333
(4400)	Little Rock-N, Little Rock, AR	517,797	33	30	−9.091
(9243)	Worcester/Fitchburg, MA NECMA	668,278	44	40	−9.091
(2335)	Elmira, NY	89,713	10	9	−10.000
(60)	Aguadilla, PR	157,524	37	33	−10.811
(5640)	Newark, NJ	1,897,933	1,069	948	−11.319
(5960)	Orlando, FL	963,983	182	161	−11.538
(9280)	York, PA	406,736	25	22	−12.000
(3720)	Kalamazoo, MI	220,349	8	7	−12.500
(1640)	Cincinnati, OH-KY-IN	1,448,920	70	61	−12.857
(2120)	Des Moines, IA	387,377	15	13	−13.333
(870)	Benton Harbor, MI	165,597	7	6	−14.286
(80)	Akron, OH	647,153	27	23	−14.815
(380)	Anchorage, AK	225,211	12	10	−16.667
(2580)	Fayetteville-Springdale, AR	111,699	12	10	−16.667
(5600)	New York, NY	8,538,593	5,982	5,946	−17.319
(7160)	Salt Lake City-Ogden, UT	1,077,372	69	57	−17.391
(4920)	Memphis, TN-AR-MS	982,568	103	85	−17.476
(5720)	Norfolk-VA Beach-Newprt News, VA	1,369,901	90	74	−17.778
(7240)	San Antonio, TX	1,347,198	235	193	−17.872
(1560)	Chattanooga, TN-GA	434,652	27	22	−18.519
(4840)	Mayaguez,PR	206,672	32	26	−18.750
(3560)	Jackson, MS	402,809	50	40	−20.000
(9080)	Wichita Falls, TX	126,374	10	8	−20,000
(470)	Arecibo, PR	165,301	24	19	−20.833
(3840)	Knoxville, TN	596,818	28	22	−21.429
(440)	Ann Arbor, MI	270,317	18	14	−22.222
(7480)	Santa Barbara-Santa Maria-Lmpoc, CA	345,031	45	35	−22.222
(8600)	Tuscaloosa, AL	146,366	9	7	−22.222
(840)	Beaumont-Port Arthur, TX	371,704	25	19	−24.000
(6000)	Oxnard-Ventura, CA	640,146	41	31	−24.390
(7400)	San Jose, CA	1,423,615	161	121	−24.845
(4280)	Lexington-Fayette, KY	346,152	12	9	−25.000
(5483)	New Haven/Waterbury CT NECMA	793,961	147	110	−25.170
(7840)	Spokane, WA	354,298	17	12	−29.412
(320)	Amarillo, TX	200,103	13	9	−30.769
(7120)	Salinas-Seaside-Monterey, CA	348,249	42	29	−30.952
(875)	Bergen-Passaic, NJ	1,295,910	297	204	−31.313
(8760)	Vineland-Millville-Bridgeton, NJ	139,077	44	30	−31.818
(1125)	Boulder-Longmont, CO	219,786	12	8	−33.333
(5920)	Omaha, NE-IA	620,552	36	24	−33.333
(3640)	Jersey City, NJ	544,731	468	308	−34.188
(5880)	Oklahoma City, OK	979,579	29	19	−34.483
(6840)	Rochester, NY	978,206	97	63	−35.052
(3350)	Houma-Thibodaux, LA	184,616	10	6	−40.000
(5360)	Nashville, TN	976,944	132	78	−40.909
(1145)	Brazoria, TX	188,458	13	7	−46.154
(6453)	Portsmouth/Dover/Rchstr NH NECMA	335,673	16	8	−50.000
(8780)	Visalia-Tulare-Porterville, CA	296,513	24	11	−54.167

SPECIAL REQUEST ANALYSIS FOR TERRY BEIRN, SENATE LABOR COMMITTEE—CDC AIDS SURVEILLANCE DATA BASE AS OF MARCH 1990

MSA category	1988 total	1989 total	Percent change 1988 to 1989
Population GE 500000	27,260	28,630	5.0257
Population LT 500000	2,882	3,803	31.9570
Non-MSA	2,035	2,791	37.1499

COMMENTS ON THE NEED FOR ALTERNATIVE CARE SYSTEMS IN THE COMMUNITY

"Many home and community-based services were not available to AIDS patients who needed them because both capacity and insurance coverage were limited. As the epidemic progresses across the country, Medicaid as well as private insurers will pay for more expensive AIDS services if communities have not developed lower-cost alternative delivery systems."—GAO Report, September 1989, *AIDS: Delivering and Financing Health Care Services in Five Communities.*

"Traditional reimbursement systems, such as private health insurance and Medicaid, do not adequately support the range of community-based services needed by HIV-infected people. They also do not cover the cost of planning, developing, and initiating new programs. States and local government funding, as well as private funds, have supported AIDS services in these communities. However, these other funding sources are not adequate to meet the growing need, and their substantial expansion is not likely. Furthermore, these sources generally support only the provision of direct services, not the cost of coordinating services or administrative costs. Continued federal support appears necessary given the inadequacy of other resources."—*Executive Summary: Evaluation of AIDS Service Demonstration Projects* SysteMetrics/McGraw-Hill.

"Funding programs should encourage a continuum of care, including less costly alternatives to hospital stays such as outpatient care and home care. Similarly, distinctions between acute and sub-acute care in hospitals should be provided for. In general, as with any other long-term care situation, persons with HIV infection should be cared for and treated in the least restrictive environment.

"The best answer to containing the costs of care for persons with HIV infection is to invest whatever is required now to develop effective prevention, treatment, and a cure."—County Government and HIV Infection Report of the National Association of Counties Task Force on HIV Infection and AIDS. March 1989.

"For those people who must wait weeks for a blood test, for those with severe physical symptoms who must wait weeks for a clinic appointment, and for those who will die in the street because there are too few shelters for someone dying of AIDS, community-based services are of critical importance.

"The network of services existing for people with AIDS is extremely spotty. Overall, all types of community services are less available for people with AIDS than they are for individuals with other types of chronic or fatal illnesses. This is especially true of services that require living space, such as nursing homes, hospices, and other alternative living arrangements.

"Study findings suggest that policy makers move as quickly as possible to develop options for facilitating earlier and more flexible access to funding sources, extension of long-term care services, creation of more alternative living arrangements and funding mechanisms to sustain them, creation of comprehensive case management programs, creation of educational programs to deal with community prejudices, and of inhospital data systems to routinely document service gaps."—National Center for Social Policy and Practice, American Hospital Association, *Beyond the Hospital Door: Community Resources Available for Persons with HIV Infection or AIDS in the United States.* September 1989.

Institute of Medicine Recommendations to President Bush:

"AIDS federal grant programs to the states to ensure that AIDs patients and those who have HIV related conditions have access to appropriate and cost effective care;

"Principles to guide strategies should include: coverage from the time HIV infection is discovered; consideration of relief for hard hit communities; payment mechanisms that encourage the most cost effective care; and shared responsibility between private and public sectors."—White Paper, Institute of Medicine/National Academy of Science, January 1989.

"The AMA supports increased funding for reimbursement and other incentives to encourage expanded availability of alternatives to inpatient care of persons with HIV disease, including intermediate care facilities, skilled nursing facilities, home care, residential hospice, home hospice, and other support systems."—American Medical Association, Policy Update, February 1990.

STATE INVESTMENTS FOR AIDS CARE: FAR SHORT OF NEED

Figure 2.9 State-only AIDS Funds, Patient Care, Excluding Medicaid, FY 1989, total—$65 million.

Inpatient care—26 percent.
Hosp/facil support—22 percent.
Networks/planning—21 percent.
Outpatient/home care—14 percent.
Case management—6 percent.
AZT—6 percent.
Other—6 percent.
Total is not 100 percent due to rounding.
Source: AIDS Policy Center, Intergovernmental Health Policy Project, George Washington University, October 1989.

GENERAL AIDS BACKGROUNDER

The Numbers (as of February 1, 1990):

121,645 Americans have been diagnosed with AIDS 73,119 (61%) of which live in the 13 US cities.

69,000 Americans have died of AIDS—more than the number of Americans lives lost during the entire Vietnam war.

1 million Americans are already HIV infected—all of whom will develop symptoms without medical intervention.

By 1991—200,000 more Americans will have died of AIDS. Aids will be, by far, the leading cause of death for those age 25-44. 80% of new AIDS cases will not be in NY or CA, new cases will disproportionately effect minorities.

One AIDS case is diagnosed very 6 minutes! One AIDS death occurs every 11 minutes! Nevertheless, what we see now—is the tip of the iceberg!

The Cost: The range of estimates of the national costs of direct medical care for persons with AIDS in 1991 average $8.5 billion or 1.5% of total health care expenditures. Initial estimates of the cost of care from diagnosis to death were $147,000 per individual and were based on lifetime hospital costs. More recent data indicates that a more accurate estimate lies between $35,000—$75,000. According to the IOM this reduction in dollars is largely due to fewer hospitalizations and shorter stays. This trend can explained by improvements in clinical management and the utilziation of home and community-based services, where available. Further diversification of care options should continue to reduce the cost of care and the pressure on our hospital system—while at the same time making care more humane and effective. This will nevertheless require recognition that as AIDS becomes a chronic illness, significant long term care needs will have to be addressed.

Access to health care—Who pays: People with AIDS (PWAs) face similar yet compounded problems accessing necessary health care services. Although there is considerable geographic diversity—the nationwide breakdown of health care coverage for PWAs is as follows: 15%—uninsured, 44%—

Medicaid, 29%—private insurance, 1%—Medicare.

The number of PWAs with no insurance is increasing. As the epidemic moves into the South and the Midwest, the restrictive policies of these Medicaid poor states exclude many people with AIDS. For example, many states do not have "spend down provisions" or do not cover single men, regardless of disability.

A recent study indicates that Medicaid covers only 18% of PWAs living in Georgia, where as 48% of PWAs lack any form of health insurance. Per capita, Georgia has the 6th highest incidence of AIDS in the U.S.

Private insurers, overly afraid of the cost of AIDS care, often refuse to cover PWAs, or drop them once they become ill. Individuals terminated from their job due to fear of AIDS—may never again be privately covered for their health care costs or for the services they need.

A Crisis in our Hospitals: A study by the Urban Institute reveals that in the 1980s, 100 hospitals (6% of hospital beds nationwide), provided 40% of the charity care and 19% of the bad debt care in the U.S. These hospitals, mainly public and volunteer, rely primarily on Medicaid, and state and local governments—private insurance represents only 12% of their revenues. With a long standing history of serving the poor, the elderly, and the chronically ill and mentally ill, these institutions are now disproportionately effected by the dual epidemics of AIDS and drugs.

A survey by the National Public Health and Hospital Institute (NPHHI) found that in 1988:

10 hospitals treated 38% of all PWAs; 4% of hospitals treated 52% of all PWAs, 20% of hospitals treated more than 80% of PWAs.

Nationally, Medicaid is the largest payor for hospitalized PWAs, 44%, with a range from 54% (NE) to 18% (South).

Virtually all hospitals lose money on PWAs—the extent varies depending on the number of uninsured and Medicaid patients. Nationally, the average cost of inpatient care for a person with AIDS was $681, while revenues averaged $545. This average loss per day ($136, or $2,285 per AIDS admission—see Appendix D) is 5 times that of the average med/surg patient. This is due to the large number of drug users who are generally sicker and more difficult to place outside the hospital.

The Need for Long-Term Care: The hospital crisis is further compounded by the absence of comprehensive outpatient services and a funding stream to foot the bill. Public and private insurance programs extend inpatient stays by not reimbursing for ambulatory care or by paying an exceptionally low rate. A recent report entitled, Crisis on the Frontlines: The Effects of AIDS on Public Hospitals documents that public hospitals lose 86 cents for every $1.00 of outpatient services.

A GAO study affirms that as AIDS progresses from a fatal illness to a chronic condition, there will be an increased need for long term care support. As with the elderly and other chronically disabled, funding sources for home care, sub-acute care, and nursing home care are extremely scarce. In addition, most long term care facilities will not accept PWAs because of fear of infectious disease and the need for highly skilled staff to handle the severity of acute illness episodes experienced by PWAs.

Mr. HATCH. Mr. President, I am pleased to join Senator KENNEDY and 24 other cosponsors in supporting this legislation to respond to the diverse care needs created by the AIDS epidemic. There are many who are suffering from this disease, including children, who need the resources that this bill can provide.

With more cases of AIDS now being diagnosed in small cities and rural areas, we propose to give States both the funds and the flexibility to design an effective local response. Title II of this bill would allow States to develop more effective systems for the delivery of health and support services to individuals and families with AIDS. A set-aside of at least 15 percent would go to children and families with HIV disease.

I am personally committed to making sure that infants, children, and mothers with AIDS have access to whatever help we can give them. There are 2,050 reported cases of children with AIDS. This number does not include children infected with the HIV-virus, and it is estimated that for every child reported to have AIDS, there are 2 to 10 unidentified cases. The compassion borne by every American for these children dictates that we act on this proposal. I am pleased to announce that this legislation has the endorsement of the Pediatric AIDS Foundation, founded by Elizabeth Glazer and Susan de Laurentis.

Further, this bill requires States and cities to identify the populations in need of services and to develop a comprehensive plan to address their needs. Funds may be used to deliver outpatient and home care health services to low-income individuals with AIDS; develop a local consortium of health and support services that will provide a comprehensive continuum of care, establish a program of financial assistance for low-income individuals, provide money for drugs used in the treatment of AIDS patients, and develop clinical centers for early intervention and medical monitoring of individuals with AIDS.

In responding to this totally unanticipated health emergency, we must continue to search for innovative and cost-effective programs for delivering essential support services. What works in New York City will be different from what's needed in Utah while encountering cases of AIDS.

We in Congress realize it is hard work to care for people who are severely ill. For instance, we know that AIDS patients require an unusually intensive level of nursing care when hospitalized. I think that this Nation owes a debt of thanks to those health care institutions and health care professionals that have reached out to help poor patients with this terrible disease. Therefore, our legislative proposal targets support to those hospitals and care facilities that have been serving the largest number of low-income AIDS patients. The reward for helping people in trouble should be more than a stack of unpaid bills.

Title I of this legislation would provide emergency relief to metropolitan areas hardest hit by the AIDS epidemic. Funds would be used to support health care facilities serving a disproportionate share of low-income individuals with HIV disease and to enhance in-patient care and out-patient casemanagement. Funds would also be used to remodel long-term care facilities with matching locality/State funds. As a last resort, funds could be used for new construction.

This bill is a means for the Nation to fight a common enemy—the AIDS epidemic and the pain and suffering it causes. It will also allow for the Secretary of Health and Human Services, through title III of this bill, to commission independent research by experts in health services delivery and health economics. The research must also address better ways to treat children with the HIV-virus.

This bill will not end the debate over the causes of this disease or the methods for its prevention; but, through this bill, we show our compassion for its victims and their families and demonstrate to those who feel abandoned that we care. We already have strong bipartisan support for this legislation. I hope we will be able to pass it quickly in the Congress and see it signed by President Bush as soon as possible.

Mr. BENTSEN. Mr. President, over 60,000 Americans have died of AIDS. As others have noted, that's more Americans than lost their lives in Vietnam. And in fact, the battle against AIDS is very much like war, with victory still years away.

I'm confident that medical science will one day offer a cure for AIDS. In the absence of a monumental medical breakthrough, though, the legislation that we introduce today is essential.

The CARE Act recognizes the widespread nature of AIDS. Some think this disease is confined to the east and west coasts. It's true that New York and San Francisco have borne an inordinate share of the burden. But there are AIDS victims everywhere. Texas, for example, has the fourth highest number of reported AIDS cases in the Nation. And Houston and Dallas are among the 13 hardest hit cities in America—those eligible for funding under title I of the bill.

You can see the magnitude of the problem in hospitals like Parkland Memorial. It's the only public hospital in Dallas; as a result it treats half of all AIDS patients in the county. Or you can see it in Harris County, where the total cost of treating AIDS patients went from $3.8 million in 1987 to over $8 million last year. With costs that

can reach $100,000 for a single AIDS patient, it's clear that Dallas and Houston desperately need the assistance offered by CARE.

CARE goes further than just Dallas and Houston. Half of the funds authorized under this act will go to other areas, based solely on need. This means places like Austin, San Antonio, and El Paso will get some of the help necessary to deliver outpatient services to those infected by HIV. They'll also be able to establish clinics for early intervention and medical monitoring.

Earlier, I compared fighting AIDS to fighting a war. But isn't it also like being hit by a hurricane—a natural disaster to which nobody is immune? Well, in Texas, after a hurricane hits, we all pitch in together to help. CARE is one way Americans can help communities around the country deal with this medical hurricane, which has destroyed not buildings but lives. That's why the CARE Act deserves the full support of Congress. And that's why I'm pleased to offer mine.

Mr. WILSON. Mr. President, I am pleased to join as an original cosponsor the Comprehensive AIDS Resources Emergency Act [CARE] of 1990. With this legislation, Congress will open up an urgently needed new front in its multifaceted attack on the AIDS epidemic.

Congress has responded to the AIDS epidemic by providing billions of dollars for research and public education on this dreaded disease. This is as it should be if we are to fully understand the complexities of the AIDS virus and its transmission, and educate our citizens to protect themselves from exposure to HIV.

Less attention, however, has been paid to the financing and provision of services for individuals along the continuum of HIV infection—from those who are asymptomatic to those in the terminal stages of AIDS. Yet, as the number of people with HIV infection continues to grow throughout the Nation, localities, and States find themselves in a crisis situation as they struggle to provide needed medical, psychosocial, and other support services with limited resources.

I recognize, Mr. President, that the word "crisis" is used regularly in this city—perhaps so often as to be all but devalued of its meaning. But on the subject of AIDS, as I have often said, the word "crisis" is barely adequate to describe today's problem and tomorrow's potential nightmare.

We have seen already the tragedy of AIDS spread beyond men of the gay community and intravenous drug users. To the ranks of suffering victims we now add an increasing number of heterosexuals, women and—most tragically—children.

And we have witnessed the devastation of AIDS touch every State in the Union, reaching more and more of our communities. AIDS is no longer a problem confined to our urban areas; it is a problem that extends throughout the country. AIDS is a problem for all of America.

It is true, Mr. President, that we have made enormous strides in our national effort to understand the AIDS virus, the manner in which it is transmitted, and how to protect ourselves against infection. However, as the National Commission on AIDS warned in its first report in December 1989:

> There is a dangerous, perhaps even growing complacency in our country toward an epidemic that many people want to believe is over. Far from over, the epidemic is reaching crisis proportions among the young, the poor, women and many minority communities. In fact, the 1990's will be much worse than the 1980's. There is no national plan for helping an already faltering health care delivery system deal with the impact of the HIV epidemic.

No such national plan is in place and, indeed, our medical facilities, our health care system, our care givers are strained to the breaking point—particularly in those parts of the country hit hardest by the AIDS epidemic.

My home State of California, Mr. President, has been severely affected by AIDS, consistently accounting for over 20 percent of all AIDS cases in the Nation. While the incidence of HIV infection has been concentrated in San Francisco and Los Angeles, it is accelerating in San Diego, Oakland, Sacramento, and areas throughout the State.

Californians have struggled heroically to meet the diverse medical and psychosocial needs of people with AIDS and HIV infection and their families. I applaud the cities, volunteers, community-based groups, and other providers that have worked together to develop creative and innovative approaches to the delivery of AIDS-related care.

Yet only so much can be done in the face of mounting demands and limited resources, particularly for nonhospital services.

The city of San Francisco provides a telling example of the innovation and resiliency of localities disproportionately affected by the AIDS epidemic—and the limitation of such locales to meet the challenge.

San Francisco has earned a national reputation for its unique network of AIDS-related services, a network built on a public-private partnership, a network that has extended the lives of countless San Franciscans, a network that has offered comprehensive, compassionate care in a cost-effective manner.

Yet the San Francisco model—challenged by growing caseloads and unchanged resources—is strained to capacity.

As noted in the "Mayor's Call To Action on the HIV Epidemic," a draft report of the mayor's HIV task force released in January 1990:

> Here is the sad truth: in the next decade, more San Franciscans will live and die with AIDS than in the last. Caseloads and costs are rising. The San Francisco model of AIDS care is near collapse. AIDS has struck San Francisco like a disaster, and we require disaster relief in order to cope.

The bill introduced today, Mr. President, responds to the compelling realities of the AIDS epidemic:

It recognizes that a relatively small number of cities is disproportionately affected by the AIDS epidemic, straining city human and economic resources;

It responds to the concentration of health care resources in costly acute hospital services, thereby limiting the availability of services to HIV infected persons in need not of acute care but of counseling, early intervention, outpatient, and social services;

It recognizes the need to shift our orientation from inpatient care to coordinated, integrated networks of community-based care, guiding HIV infected individuals along a continuum of the most appropriate and cost-effective services; and

It responds to the need to provide a range of medical and social services that reflect the diverse needs of HIV infected individuals and their families.

In short, Mr. President, the CARE bill makes two extremely vital contributions to our war on AIDS: First, it provides financial relief to States and localities disproportionately affected by this national tragedy; and second, it provides the structural relief to our CARE delivery system required to provide for the development, organization, and operation of more effective and cost-efficient delivery of CARE to the HIV infected.

The AIDS epidemic is an extraordinary disease which demands extraordinary measures to overcome. The magnitude of the problem suggests the difficulty of any one State or city carrying the burden unassisted; the magnitude of the problem emphasizes the need for a comprehensive, national program for combating this disease.

Mr. President, Congress has made important strides in promoting research and education in recent years. Let us not stop there. Let us not become complacent. Additional steps are needed to ease the burden our towns and communities face and to promote compassionate, cost-efective networks of care.

Let us move forward with CARE, an urgently needed step in the evolution of our national campaign against the AIDS epidemic. While the costs of meeting the challenge posed by the HIV epidemic are great—in economic, social, and human terms—the cost of failing to act will be infinitely greater.

Mr. D'AMATO. Mr. President, I am pleased to join my colleagues, Sena-

tors KENNEDY and HATCH, in introducing the Comprehensive AIDS Resources Emergency Act of 1990 [CARE].

The CARE bill is the first Federal bill to provide emergency disaster relief to the U.S. cities hit hardest by the brutal epidemic of AIDS. This bill will direct $300 million in emergency assistance to 13 cities—including New York—which together represent 61 percent of our Nation's 122,000 diagnosed cases of AIDS. It will provide an additional $300 million for States to develop comprehensive HIV care programs, serving both high-incidence urban areas and rural areas where the rate of increase is greatest.

A decade has passed since AIDS was first recognized—and yet, New York City is still the epicenter of this terrible public health threat. To date, more than 23,000 cases have been reported in New York City—19 percent of the national total. And that number is expected to grow to 43,000 by 1991.

Adding to this human tragedy, AIDS has combined with drug abuse, violence, homelessness, and mental illness to bring the city's hospital system—once the pride of the Nation—to the brink of disaster.

These multiple epidemics are causing gridlock in the city's health care system, and a crisis in its emergency rooms, where waits of 3 and 4 days have become commonplace. Patients with AIDS already occupy 10 percent of the city's medical/surgical beds, and many feel this figure will soon double unless the city can add hundreds of new acute care beds, and thousands of long-term care and residential beds.

The CARE bill will help relieve this burden in New York—and in every city hit hardest by the AIDS epidemic. By providing financial support not only for hospitals, but also for clinics, community health centers, and nursing care facilities, the CARE bill will help reduce unnecessary hospitalization of AIDS patients—thus driving down costs—and, equally important, will help assure their appropriate placement within the continuum of care.

The problem of AIDS is also a growing threat in areas of the country like Albany, Monroe, and Onondaga Counties in New York. A large part of our fight against AIDS in the future will occur in small urban areas like these—areas where the per capital incidence of AIDS today matches that of New York City in 1982. These areas desperately need the assistance provided under this act for the development of comprehensive systems of care.

Mr. President, I commend my colleagues, Senators KENNEDY and HATCH, for taking the lead in this effort to assist the States and localities most affected by AIDS. I believe this bill provides an appropriate and urgently needed response to the AIDS public health emergency. I encourage each of my colleagues to join me in supporting this bill, and I urge its prompt consideration and passage.

Thank you, Mr. President.

Mr. CHAFEE. Mr. President, I am pleased to join in introducing the Comprehensive Aids Resources Emergency [CARE] Act of 1990. This legislation would provide funding for the care and treatment of persons with the acquired immune deficiency syndrome [AIDS].

Between 1981 and 1988, 100,000 Americans were diagnosed as having AIDS. In the last 12 months alone, an additional 100,000 Americans have been found to have AIDS. The swift spread of this devastating disease is overwhelming health care providers struggling to administer adequate care for those affected.

In 1988, the Congress enacted legislation to provide funds for AIDS education, prevention, and treatment programs. These programs are a critical part of our efforts to prevent the further spread of AIDS. We must, however, not stop there.

The cost of caring for those with AIDS is staggering. Many individuals quickly exhaust their ability to pay for treatment, even those who have insurance. Those who are uninsured must rely on public assistance. Yet, few persons with AIDS are eligible for Medicaid or Medicare.

It is important to note that the majority of care for persons with AIDS is provided primarily in hospitals. Our health care system lacks community and home-based long-term care services for these individuals.

Most State and local governments in areas hardest hit by the AIDS epidemic have developed comprehensive systems of services. What they lack is the funding to provide the actual care, particularly in community settings. State and local governments in areas not yet devastated by the AIDS epidemic have only begun to develop systems of care. They need assistance in developing long-term strategies to administer efficient and compassionate care, and in providing immediate treatment to those already in need of care.

Our legislation would address these problems by providing emergency funds to areas hardest hit by the AIDS epidemic and assisting States in their efforts to provide treatment and care to persons with AIDS. Under our bill, funds would be provided to support hospitals, community health centers, and other providers for patients with AIDS. In addition, the bill would provide community-based outpatient, home health, and support services designed to reduce unnecessary hospitalization. Further, the bill would provide medication, such as AZT, determined to prolong life or prevent the deterioration of health of those with AIDS.

Mr. President, this legislation will not ensure care for all persons affected by AIDS. It is a beginning, however, and will enable State and local governments to provide more appropriate and effective care for those with AIDS. Just as important, it will help these individuals live longer, more dignified lives. I urge my colleagues to recognize the necessity of providing funding for direct care of persons with AIDS and support this critical legislation.

Mr. SPECTER. Mr. President, today I join my colleagues, Senators KENNEDY, HATCH, CRANSTON, and others, in introducing the Comprehensive AIDS Resources Emergency Act of 1990. This legislation authorizes emergency relief grants to metropolitan statistical areas [MSA's] that have reported more than 2,000 AIDS cases to the Centers for Disease Control and authorizes grants to States to: First, establish HIV care consortia; second, provide home and community-based care services; third, ensure the continuity of health insurance coverage for individuals with HIV disease; fourth, provide therapeutic treatments; and fifth, integrate early intervention services for persons with HIV disease with care and support services provided by existing public health and medical care services. The legislation authorizes $600 million for these purposes in fiscal years 1991 and 1992.

In addition, the bill establishes a program to enable independent research to be conducted concerning the organization, impact, efficacy and cost effectiveness of various health care service delivery and financing systems for the care of individuals with HIV disease.

Mr. President, Congress is long overdue in providing assistance for the care and treatment of individuals with HIV disease. Data supplied by the Centers for Disease Control through January 1990 indicate that 121,645 individuals had been diagnosed as having AIDS. My home State, Pennsylvania, currently ranks 7th in States with the highest number of persons with AIDS. Reports indicate that of the 3,381 cases diagnosed in Pennsylvania through January 1990, 2,541 were in Philadelphia.

On February 14, 1990, I had the opportunity to meet with families in which one or more individuals have been diagnosed as having AIDS. The plight of these families in which the mother, who is often an intravenous drug user or the sexual partner of the intravenous drug user, has passed the AIDS virus to her newborn child is nothing less than tragic.

These families face tremendous obstacles in their attempts to obtain the various health and social services needed by both the children and the adults. In some instances, the child's mother and father are intravenous drug users and substance abuse treat-

ment services must be integrated into the service mix for the children and adults.

During my visit with these families, which occurred at St. Christopher's Children's Hospital, I also had the opportunity to discuss with representatives of organizations providing care to these families the manner in which services should be organized. The recommendations were that a family-centered, community-based, culturally sensitive, integrated and coordinated system of health and social services is necessary to best serve this population.

I have previously proposed such a system in S. 896, the Pediatric AIDS Resource Centers Act, which I introduced on May 2, 1989. This legislation authorizes $100 million to establish consortia, to address the health and social service needs of children, adolescents, women, and families with HIV disease.

AIDS is now the ninth leading cause of death among children ages 1 to 4 in the United States, and the seventh leading cause of death among young people aged 15 to 24. Reports indicate that by 1991, one of every 10 pediatric hospital beds is expected to be filled by a child stricken with the AIDS virus. According to Dr. Antonia Novello, Surgeon General of the United States and former deputy director of the National Institute of Child Health and Human Development, if current trends continue, AIDS soon will become one of the top five leading causes of death in young people from birth to 24 years of age.

The Department of Health and Human Services [HHS] estimates that for every child who is diagnosed as having AIDS, another 2 to 10 are infected, but do not show full symptoms of the disease. Health experts project that by 1991 there will be at least 10,000 to 20,000 HIV-infected children in the United States. HHS also estimates that over 100,000 women of childbearing age in the United States are infected with the virus.

A disproportionate number of affected children are black and Hispanic. In addition, because of the increasing incidence of drug abuse and sexual activity among adolescents, they are particularly at risk for contracting the AIDS virus.

Especially at risk are the runaway and homeless youth population. A 1988 Covenant House study of 1,111 runaway and homeless youth in New York City tested over an 11-month period found nearly 7 percent infected with the AIDS virus. Medical histories indicated most of the victims were engaged in prostitution with multiple sex partners.

The few statistics available on street youth with AIDS do not sufficiently reveal the true scope of the AIDS epidemic in that population.

The growing spread of AIDS among young people is seriously straining the medical, social service, and foster care systems in many communities. The cost of providing the needed medical and supportive services for pediatric patients is high, particularly because of the long periods of hospitalization these children often require. Although ambulatory and community-based services often are more appropriate and cost effective for these children, many communities lack or have an inadequate human service infrastructure to provide the appropriate level of care. Since these children usually are the result of at least one parent who is an intravenous drug abuser, and one or both parents are infected with the AIDS virus, the children often end up homeless, abandoned, and sometimes orphaned.

Mr. President, providing services to children, adolescents, women, and families with HIV disease will present major challenges to local service delivery systems. This is a population that is harder to serve—individuals connected with substance abuse, and/or who are sexually active with multiple partners, and/or who are homeless or on the run. Assurances must be included in the pending legislation that States and localities provide the appropriate and full range of services as indicated in my legislation, S. 896.

Although the Comprehensive AIDS Resources Emergency Act of 1990 represents an important first step in providing care to individuals with HIV disease, I am concerned that it does not provide adequate assurances that families will receive the full range of needed services.

It is my hope that this issue can be resolved before the bill is considered by the full Senate.

Mr. CRANSTON. Mr. President, I am delighted to join with the distinguished chairman, Mr. KENNEDY and ranking minority member, Mr. HATCH of the Labor and Human Resources Committee to introduce the Comprehensive AIDS Resources Emergency Act of 1990. This legislation is urgently needed.

As the sponsor of the first bill in the Senate in 1987 to focus comprehensively on AIDS care issues, I am very pleased that this issue is receiving the attention it warrants. I am also very pleased that the bill we are introducing incorporates the model for establishing comprehensive AIDS care services programs that I sought to promote in my bill.

Mr. President, the Federal Government recognizes that true disasters cannot be dealt with by individual cities or States alone. The magnitude of assistance that is needed in those situations is just too great. We acknowledge the responsibility of the society as a whole to come to the assistance of individual communities during times of crisis. We responded compassionately and quickly when the residents of South Carolina and of northern California were devastated by natural disasters. The time has come to recognize AIDS as a natural disaster that is disproportionately affecting certain parts of the country. These areas cannot be expected to continue to cope with this crisis alone.

Unless new drugs are developed, hundreds of thousands of Americans will likely develop AIDS in the coming decade. With new therapeutics, many may be able to continue working and lead productive and full lives. But many will be sick and need a broad spectrum of health and support services. We must begin now to develop a system of care that is compassionate and cost effective.

Mr. President, in California, we make substantial investments to prepare for earthquakes in order to minimize potential disasters. Likewise, we know what's ahead with AIDS. Not to use that knowledge, not to act would not only be foolish but would be an abdication of our responsibility as a compassionate and caring society.

NEED FOR LEGISLATION

Mr. President, according to the February 1990 HIV/AIDS Surveillance Report, more than 121,000 cases of AIDS have been reported to the Centers for Disease Control since the epidemic began. More than 72,500 individuals have died from this disease. The CDC estimates that between 800,000 and 1.5 million Americans are currently infected with the HIV and will likely develop the disease during this decade.

The impact of the AIDS epidemic on California has been enormous. Nearly 24,000 cases—20 percent of all people with AIDS—were residents of my State. San Francisco and Los Angeles each have seen more than 7,500 cases of AIDS—more than half resulting in deaths. In San Francisco, virtually everyone knows someone who has been affected by the epidemic; last year alone, more than 1 San Franciscan out of every 1,000 developed AIDS—the highest rate of any city. But other California cities have also been hit hard—San Diego, Oakland, San Jose, and Sacramento.

As the number of AIDS cases continues to grow—and it will grow well into the 1990's—more and more communities and States across the country will have difficulties responding to the crisis. Cities all over the country are reporting that without some relief, the entire public health system that serves all of us is seriously threatened.

Mr. President, I recently met with members of the San Francisco mayor's HIV task force who presented me with a draft report concerning critical gaps in HIV care and prevention services. They brought a startling message of

what is urgently needed to help a city that has been devastated by this disease.

San Francisco has been a pioneer in developing a new model of providing services in the community to people with a life-threatening disease. The result has enabled city residents to live longer, receive comprehensive care, and spend less time in the hospital—all at a lower cost per patient than other cities. I sought to promote and replicate this model—the so-called San Francisco model—through S. 14. It works—but it requires commitment of the local government and the public. However, it also requires a continuing financial investment. The task force reports that, although the community has been successful in caring for its residents with AIDS, the increasing caseload is making it difficult to continue providing that level of service. The city has made a strong commitment to helping its residents in need, but, as in any other disaster situation, such as the earthquake or Hurricane Hugo, it cannot do it alone.

OUTLINE OF LEGISLATION

Mr. President, the Comprehensive AIDS Resources Emergency Act of 1990 consists of a two-pronged approach: Immediate financial assistance to communities hardest hit by the epidemic and assistance to all States and communities to develop comprehensive care programs in order to avert disaster down the road.

Under title I, $300 million would be authorized to assist metropolitan areas that have reported more than 2,000 cases of AIDS. Half of the funds would be distributed within 60 days according to the relative number of AIDS cases and per capita incidence with the metropolitan area. The remaining funds would be awarded to areas with more than 2,000 cases on the basis of need, local investment, and other criteria. These funds would greatly help both San Francisco and Los Angeles maintain and build their systems of care in order to provide services to the growing numbers of people with AIDS in the immediate future.

Under title II, $300 million would be authorized to assist States and localities establish and operate consortia or networks of services to care for people with AIDS that focus on community-based care. This section is modeled on legislation, S. 14, I had introduced early to provide assistance to communities to set up consortia of care.

States would also be able to use funding provided under this section to support early intervention efforts, home health, and support services, therapeutics that have been determined to prolong life and methods to ensure continuity of health insurance coverage for individuals with HIV disease. Under this title, so-called second-wave cities, such as Sacramento, San Diego, Oakland, and San Jose in California, as well as smaller communities will be able to receive assistance.

CONCLUSION

Finally, Mr. President, I would like to comment on the view that I have heard expressed by some individuals that we are spending too much money on AIDS. I couldn't disagree more. AIDS is not like other illnesses and should not be compared to other illnesses in strict terms of dollars spent per individual. We haven't encountered a new disease of this virulence in decades. That required that we start from scratch in identifying the cause and the natural history of the disease and in building a research infrastructure to continue the rapid pace of research.

We haven't encountered an epidemic of this magnitude in decades. That requires an investment in activities to prevent the further spread of the disease and to keep people infected with the HIV productive and healthy. And, we haven't encountered a new disease that disproportionately affects people in the prime of their lives or that causes such suffering and nearly universal death in decades—or perhaps ever. Public health officials agree that this disease is extraordinary and calls for extraordinary action.

If we don't treat the AIDS epidemic for what it is—an unprecedented epidemic that continues to spread and to claim young lives—we will look back 10 years from now with tens of thousands more dead Americans and a public health system that is unable to care for people with AIDS or indeed anyone needing assistance and wonder why we did not act at such a critical time in history.

I would like to share with my colleagues a quote from the San Francisco mayor's HIV task force. It states:

> The HIV epidemic requires bold action, not timidity. It requires individuals, groups and institutions to work together in new partnerships, not the promotion of narrow self-interest. It requires risk taking, not caution. It requires the defeat of old fears and prejudices, not their perpetuation.

Mr. President, this legislation represents bold action. It represents commitment to preventing an ever-increasing tragic loss of life. It represents the best hope for hundreds of thousands of Americans infected with the HIV. I urge all my colleagues to support the prompt enactment of this important legislation.

Mr. BRADLEY. Mr. President, I rise as a cosponsor along with my colleagues, to introduce legislation to provide $500 million in new authorization for emergency relief to areas serving large numbers of AIDS patients; and to provide funding to these areas for the development of cost efficient, comprehensive, patient-centered, and community-based health care systems. The funding would enable institutions serving a disproportionate share of AIDS patients some relief from the burdens of this care. It would support the development of a health care infrastructure that would help to relieve the overcrowding experienced by these acute care institutions.

Many studies, including a report by the President's AIDS Commission and the General Accounting Office have called attention to the fact that as AIDS becomes more of a chronic disease and more of its victims survive longer, community-based care systems must be developed. These systems are more humane for the patients, provide greater coordination of essential services, and, in the long run, save money. An acute care hospital is not the provider of choice for most AIDS patients today. Where community-based systems do not exist, the hospitals are overwhelmed by AIDS patients who have nowhere else to go.

All of these funds will provide critical assistance to AIDS patients in a way that is the most humane for patients and the most cost effective for taxpayers. Many of New Jersey's public hospitals are now pressed beyond capacity in caring for its AIDS patients. These funds will help to alleviate some of the pressure.

By Mr. GRAHAM (for himself and Mr. MOYNIHAN):

S. 2241. A bill to provide scholarships to law enforcement personnel who seek further education; to the Committee on the Judiciary.

LAW ENFORCEMENT SCHOLARSHIP ACT

● Mr. Graham. Mr. President, as I was walking over to the Senate floor about a month ago I was approached by two police officers visiting from south Florida. They impressed upon me the increasing burden of local and State law enforcement in staying one step ahead of crime.

The President echoed this sentiment in his drug control strategy. The strategy correctly states that local and State law enforcement are the first line of defense in securing the safety of our communities and citizens.

The criminal element of our society is becoming increasingly sophisticated—moving into areas like money laundering and computer crime that threatens our national security.

But in many cities and towns, law enforcement is short on human and financial resources.

Even more troubling, studies show that today's law enforcement officers are short on education. On the average, today's police officers have less than 2 years of college education.

As an example, Mr. President, only 18 percent of Florida's law enforcement officers have completed a bachelors degree. The large majority—69 percent—have only a high school degree.

39-059 O-91-16 (Pt. 3)

Opinion differs on how much education is necessary. But a study of police administrators by the Police Executive Research Forum indicated that at least some higher education compliments on-the-street experience and training.

College-educated officers seem to communicate better with the public and are better decisionmakers. Officers with higher education are the subject of fewer citizen complaints and are more sensitive to the needs of racial and ethnic groups.

The Florida Department of Education is conducting a similar study of the educational needs of Florida's law enforcement community. Early results from this study show a strong interest in enhancing education opportunities.

The legislation Senator MOYNIHAN and I are introducing creates a cooperative program at the Federal, State, and local level to provide financial assistance to sworn, active duty law enforcement and correctional officers seeking associates, bachelors, or graduate degrees.

The Department of Justice would oversee the program while working closely with State and local law enforcement and education agencies to determine where assistance is most needed and what sort of academic programs would best meet the goals of this legislation.

Let me emphasize that this bill provides assistance to those men and women who have already demonstrated their commitment to law enforcement by serving at least 2 years. In return, grant recipients would commit to additional service based on the amount of assistance received.

There is other legislation in the Senate that would focus on bringing new recruits into law enforcement. I look forward to working with the sponsors of that bill to combine these ideas.

Our legislation is being supported by a number of organizations represented here today including the International Brotherhood of Police, the National Association of Police Officers, the Fraternal Order of Police, and the Police Executive Research Forum.

I ask unanimous consent that letters of support for this legislation and the text of the bill be included following my remarks.

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

S. 2241

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Law Enforcement Scholarship Act of 1990".

SEC. 2 STATEMENT OF PURPOSE.

It is the purpose of this Act to assist States to establish scholarship programs which—

(1) provide educational assistance to law enforcement personnel seeking further education;

(2) enhance the recruitment of young individuals to careers in law enforcement; and

(3) assist State and local law enforcement efforts to enhance the educational status of law enforcement personnel.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "Assistant Attorney General" means the Assistant Attorney General of the Office of Justice Programs;

(2) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of an associate degree;

(B) a course of education leading to the award of a baccalaureate degree; or

(C) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies and related expenses;

(3) the term "institution of higher education" has the same meaning given such term in section 1401(a) of the Higher Education Act of 1965;

(4) the term "law enforcement position" means employment as an officer in a State or local police force, or correctional institution; and

(5) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 4. ALLOTMENT.

From amounts appropriated under the authority of section 11, the Assistant Attorney General shall allocate—

(1) 80 percent of such funds to States on the basis of the number of law enforcement officers in each State; and

(2) 20 percent of such funds to States on the basis of the State's shortage of law enforcement personnel and the need for assistance under this Act.

SEC. 5. PROGRAM ESTABLISHED.

(a) IN GENERAL.—From amounts available pursuant to section 5 each State shall pay the Federal share of the cost of awarding scholarships to in-service law enforcement personnel to enable such personnel to seek further education.

(b) FEDERAL SHARE.—The Federal share of the cost of scholarships under this Act shall not exceed 60 percent.

(2) The non-Federal share of the cost of scholarships under this Act shall be supplied from sources other than the Federal Government.

(c) LEAD AGENCY.—Each State receiving an allotment under section 5 to conduct a scholarship program in the State in accordance with the provisions of this Act shall designate an appropriate State agency to serve as the lead agency in carrying out the provisions of this Act.

(d) RESPONSIBILITIES OF ASSISTANT ATTORNEY GENERAL.—The Assistant Attorney General shall be responsible for the administration of the program conducted pursuant to this Act and shall, in consultation with the Assistant Secretary for Postsecondary Education, promulgate regulations to implement this Act.

(e) ADMINISTRATIVE EXPENSES.—Each State receiving an allotment under section 4 may reserve not more than 8 percent of such allotment for administrative expenses.

(f) SPECIAL RULE.—Each State receiving an allotment under section 5 shall ensure that each scholarship recipient under this Act be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other law enforcement personnel of the same rank and tenure in the office the scholarship recipient is a member.

(g) SUPPLEMENTATION OF FUNDING.—Funds received under this Act shall only be used to supplement, and not to supplant, Federal, State, or local efforts for recruitment and education of law enforcement personnel.

SEC. 6. SCHOLARSHIPS.

(a) PERIOD OF AWARD.—Scholarship awarded under this Act shall be for a period of one academic year.

(b) USE OF SCHOLARSHIPS.—Each individual awarded a scholarship under this Act may use such scholarship for educational expenses at any accredited institution of higher education.

SEC. 7. ELIGIBILITY.

An individual shall be eligible to receive a scholarship under this Act if such individual has been employed in law enforcement for 2 years immediately preceding the date for which assistance is sought.

SEC. 8. STATE APPLICATION.

(a) IN GENERAL.—Each State desiring an allotment under section 5 shall submit an application to the Assistant Attorney General at such time, in such manner, and accompanied by such information as the Assistant Attorney General may reasonably require. Each such application shall—

(1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out the provisions of this Act.

(2) contains assurances that the State shall advertise the scholarship assistance provided under this Act;

(3) contain assurances that the States shall screen and select law enforcement personnel for participation in the scholarship program under this Act;

(4) contain assurances that the State shall make scholarship payments to institutions of higher education on behalf of individuals receiving financial assistance under this Act;

(5) identify model curriculum and existing programs designed to meet the educational and professional needs of law enforcement personnel; and

(6) contain assurances that the State shall promote cooperative agreements with educational and law enforcement agencies to enhance law enforcement personnel recruitment efforts in high schools and community colleges.

SEC. 9. LOCAL APPLICATION.

(a) IN GENERAL.—Each individual desiring a scholarship under this Act shall submit an application to the State at such time, in such manner, and accompanied by such information as the Senate may reasonably require. Each such application shall describe the academic courses for which financial assistance is sought.

(b) PRIORITY.—In awarding scholarships under this Act, each State shall give priority to applications from individuals who are—

(1) members of racial, ethnic, or gender groups whose representation in the law enforcement agencies within the State is substantially less than in the population eligi-

ble for employment in law enforcement in the State; and

(2) pursuing an undergraduate degree.

SEC. 10. SCHOLARSHIP AGREEMENT.

(a) IN GENERAL.—Each individual receiving a scholarship under this Act shall enter into an agreement with the Assistant Attorney General.

(b) CONTENTS.—Each agreement described in subsection (a) shall—

(1) provide assurances that the individual shall work in a law enforcement position in the State which awarded such individual the scholarship in accordance with the service obligation described in subsection (c) after completion of such individual's academic courses leading to an associate, bachelor, or graduate degree;

(2) provide assurances that the individual will repay all of the scholarship assistance awarded under this title in accordance with such terms and conditions as the Assistant Attorney General shall prescribe, in the event that the requirements of the agreement under paragraph (1) are not complied with except where the individual—

(A) dies;

(B) becomes physically or emotionally disabled, as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy; and

(3) set forth the terms and conditions under which an individual receiving a scholarship under this Act may seek employment in the field of law enforcement in a State other than the State which awarded such individual the scholarship under this Act.

(c) SERVICE OBLIGATION.—(1) Each individual awarded a scholarship under this Act shall work in a law enforcement position in the State which awarded such individual the scholarship for a period of one month for each credit hour for which financial assistance is received under this Act—

(2) For purposes of satisfying the requirement specified in paragraph (1), each individual awarded a scholarship under this Act shall work in a law enforcement position in the State which awarded such individual the scholarship for not less than six months nor more 2 years.

SEC. 11. REPORTS TO CONGRESS.

No later than April 1 of each fiscal year, the Assistant Attorney General shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President of the Senate. Such report shall—

(1) state the number of present and past scholarship recipients under this Act, categorized according to the levels of educational study in which such recipients are engaged and the years of service such recipients have served in law enforcement; and

(2) describe the geographic, racial, and gender dispersion of scholarship recipients; and

(3) describe the progress of the program and make recommendations for changes in the program.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $30,000,000 for each of the fiscal years 1991, 1992, 1993, 1994, and 1995 to carry out the provisions of this Act.

INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS,
Washington, DC, March 2, 1990.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the members of the International Brotherhood of Police Officers, we are pleased to endorse your bill, "The Law Enforcement Scholarship Act of 1990", which will provide scholarships to law enforcement personnel who seek further education.

We believe that the wisdom of the bill resides in your decision to focus the benefits on current law enforcement personnel. The bill is designed to meet the educational and professional needs of current officers; those eligible must have been employed in law enforcement for 2 years immediately preceding the date for which assistance is sought.

State and local law enforcement accounts for over 90 percent of the drug arrests in the U.S. If we are to win the drug war, we must make a sincere effort to help those who man the front lines. Providing educational assistance to current officers improves professionalism, increases productivity, alleviates burnout, and demonstrates the importance of having highly trained and educated, experienced police patrolling our streets.

In addition, on behalf of one of our affiliates, the International Brotherhood of Correctional Officers, we are pleased to see that the bill recognizes the important duties of the correctional officers in the United States. Prison overcrowding has become a drastic problem in the past decade, and as we fight the drug war and send more criminals to prison, it is clear that at no time has the professional challenge to correctional officers been greater. This bill will help correctional officers to keep pace in a field of criminal justice that is experiencing rapid changes.

This bill reflects a great deal of effort from you and your staff. We wish to thank you for consulting with us during the drafting stages of the bill, and we look forward to working with you in making "The Law Enforcement Scholarship Act of 1990" a reality for the state and local police officers and correctional officers that currently serve.

Sincerely,

KENNETH T. LYONS,
National President.

POLICE EXECUTIVE RESEARCH FORUM,
Washington, DC, March 2, 1990.

Senator BOB GRAHAM,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR GRAHAM: The Police Executive Research Forum (PERF) an organization representing bit-city police chiefs and sheriffs, was very pleased to hear of the introduction of the Law Enforcement Scholarship Act of 1990. By providing current police officers with educational assistance, the act will enable America's police to move closer to a time when officers with college degrees are the rule rather than the exception.

At a time when police are facing perhaps their toughest challenge—drug-related crime and violence—they must be more professional, efficient and effective than ever before.

Education can help police in this quest. According to research conducted by PERF, college-educated officers communicate better with public, perform more effectively than their non-degree counterparts, receive fewer citizen complaints, are better decision makers and show more sensitivity to racial and ethnic groups.

While the education of current officers is paramount to the professionalization of policing, we also think that a pre-service educational assistance program should be a smaller, but important, component of this measure. Such a pre-service provision would make policing more attractive to women and minorities—persons who are underrepresented in many police departments. (It may be interesting to note that PERF's study found that current women and minority officers have higher educational levels than white males, which leads us to believe that the educational assistance for in-service officers may be less helpful to these groups.)

Finally, we think there is merit to financing research and demonstration projects in an effort to develop model police education programs. We were encouraged by the bill's mention of the need to identify model curriculums and programs.

Once again, we commend you for your concern for American policing and your leadership in helping to increase the educational levels of police. We hope that the Law Enforcement Scholarship Act of 1990 will receive favorable consideration when it reaches the Senate floor.

Sincerely,

DARREL STEPHENS,
Executive Director.

HILLSBOROUGH COUNTY POLICE BENEVOLENT ASSOCIATION, INC.,
Tampa, FL, February 26, 1990.

Senator BOB GRAHAM,
Dirksen Building,
Washington, DC.

DEAR SENATOR GRAHAM: Providing police officers with educational assistance is an especially important objective today when law enforcement has become much more complex and police officers are in need of more information in order to do their job. You have done a great service to the country and everyone in law enforcement by introducing the Law Enforcement Scholarship Act of 1990.

This act would help the continued professionalization of the delivery of law enforcement services, help motivate dedicated police officers in their continued service of law enforcement and aid in the attraction of motivated candidates to a career of law enforcement service.

I, therefore, urge others to support your efforts on this issue. On behalf of this organization, I commend and thank you for your attention to their needs.

Sincerely,

ROBERT J. SHEEHAN,
President, Hillsborough County Police Benevolent Association.

FLORIDA STATE LODGE,
FRATERNAL ORDER OF POLICE,
Tallahassee, FL, February 28, 1990.

Hon. BOB GRAHAM,
U.S. Senator,
Dirksen Building,
Washington, DC.

DEAR SENATOR GRAHAM: There is a lot of talk in Washington, D.C. and across America about fighting crime and drugs, but the brunt of that war takes place at the local and state level. We appreciate your recognition of the importance of state and local law enforcement officers through introduction of the Law Enforcement Scholarship Act of 1990.

Police officers have daily contact with both law-abiding citizens and criminals. The criminal justice academies and in-house training programs do much to prepare officers for every potential situation, but no amount of education or training can be too much. Your legislation would provide new opportunities for the many officers who would like to enhance their law enforcement skills with higher education study.

The men and women who protect our communities and citizens due a great service to this country, often at the risk of their lives. Your bill both rewards these officers for their service and benefits the general population by promoting further education to compliment the experience of these officers.

Thank you for introducing this much-needed legislation. We will be glad to work with your Colleagues in Congress to secure its passage.

Sincerely,

THOMAS M. PERRY,
President.
ROBERT M. SPIEGEL,
National Trustee.●

By Mr. THURMOND:

S.J. Res. 267. Joint resolution to authorize and request the President to designate May 1990 as "National Physical Fitness and Sports Month"; to the Committee on the Judiciary.

NATIONAL PHYSICIAL FITNESS AND SPORTS MONTH

● Mr. THURMOND. Mr. President, I am pleased to introduce a joint resolution which designates the month of May 1990 as "National Physical Fitness and Sports Month."

We no longer view physical exercise as solely for entertainment purposes. In the past few decades, a large segment of the population of this country has become conscious of, and involved in, the evergrowing fitness movement. Physical activity should be an important part of life each day for persons of all ages and abilities. Personally, I have benefited greatly from the effects of physical exercise. Each morning, I do calisthenics for a half hour, lift weights, and I swim one-half a mile three times a week.

Interest in sports begins at an early age. Nearly 30 million boys and girls take part in age-grouped team sports and other organized out-of-school physical activity. More than 6 million teenagers and over 600,000 college students compete in interscholastic and intramural athletic programs.

One of every two adults in the United States engages regularly in some type of exercise and/or sports. A third of us swim; a fourth ride bicycles; and a fifth play one of the racquet sports. More than 20 million people in this country run. The number of physically active women and men has doubled in 10 years and continues to grow rapidly.

Not only are fitness and sports programs a source of pleasure and personal satisfaction by which we refresh and strengthen ourselves, but they also are good preventive programs of health care.

Last year during May, as part of the celebration of "National Physical Fitness and Sports Month," 1,139,902 persons participated in some form of physical activity, from 5-kilometer walks to track meets and superstars contests. This number is only a small part of the American population. We must make all Americans aware of the benefits offered with such programs increasingly available to everyone. Accordingly, I am introducing this joint resolution which requests President Bush to declare May 1990 as "National Physical Fitness and Sports Month."

Mr. President, I ask unanimous consent that a copy 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. 267

Whereas there is an increase in the number of adults in our country who regularly participate in exercise and sports;

Whereas the number of physically active men and women continues to grow rapidly, especially since the 1970s;

Whereas there is great support for the importance of daily exercise for youth and children regardless of physical capabilities or limitations;

Whereas there is continued growth in senior citizens' physical activity participation which increases their enjoyment and quality of life;

Whereas today we recognize that physical activity is an important part of daily life for children, adults, and senior citizens of both sexes;

Whereas physical activity is vital to good health and is a rich source of pressure and personal satisfaction;

Whereas our physical fitness and sports programs are one of the primary means by which we strengthen our bodies and refresh our spirits; and

Whereas it is essential that we make fitness and sports programs increasingly available in the schools, at the workplace, and during leisure time so that all of our citizens will be able to experience the joys and benefits they offer: Now, therefore, be it

Resolved by the Seante and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the month of May 1990 as "National Physical Fitness and Sports Month", and to call upon Federal, State, and local government agencies, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.●

By Mr. BRADLEY (for himself and Mr. DURENBERGER):

S.J. Res. 268. Joint resolution to designate April 6, 1990, as "National Student-Athlete Day"; to the Committee on the Judiciary.

NATIONAL STUDENT-ATHLETE DAY

● Mr. BRADLEY. Mr. President, I rise today with my colleague from Minnesota [Mr. DURENBERGER] to introduce a joint resolution designating April 6, 1990, as "National Student Athlete Day."

Mr. President, this day will focus attention on the positive role that sports can have on the physical and mental development of young people. Within the proper framework of a school program, sports can build confidence, cooperation, integrity and maturity. These qualities are necessary for our future leaders.

In spite of all the positive aspects of sports, over emphasis on sports can cause serious harm to young people, even those who pursue sports professionally. The single-minded devotion to athletics among our Nation's schools and colleges too often leads to exploitation and abuse of the student-athlete. Only 1 in 10,000 high school athletes who dream of a career in professional sports even realize that aspiration, while those who do can expect a professional sports career of less than 4 years. Too many young people sacrifice academic achievement to the dream of professional athletics. And all too frequently schools are willing accomplices—demonstrating no interest in students' academic progress and keeping students eligible even when their real academic achievement levels do not warrant it. Students must realize that education is a life-long asset, and schools have to remember that their primary responsibility is education.

Last year, all 50 States along with the District of Columbia proclaimed April 6 as Student-Athlete Day. With the help of a broadened observance of National Student-Athlete Day, educators will be able to promote the role of sports within education to stress the need for a balance between academics and athletics. This effort will direct young people away from the idea that sports can be a substitute for education. The programs planned include professional athletes, who have returned to college to complete their degree, speaking to students about the importance of education. Since athletes are role models for many young people, the day will stress the positive role sports can play in development of personal character. Athletes will also speak frankly about the dangers of alcohol and drug abuse that threaten our society.

In supporting this important effort we, the U.S. Senate, will join with coaches, parents, and educators throughout the Nation to encourage the pursuit of excellence in both academics and athletics.

On behalf of Senator DURENBERGER and myself I ask unanimous consent that the joint resolution be printed in the RECORD.

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

S.J. RES. 268

Whereas the student-athlete represents a role model worthy of emulation by the youth of this Nation;

Whereas the past athletic successes of many business, governmental, and educational leaders of this Nation dispel the myth that successful athletes are one-dimensional;

Whereas such worthy values and behaviors as perseverance, teamwork, self-discipline, and commitment to a goal are fostered and promoted by both academic and athletic pursuits;

Whereas participation in athletics, together with education, provides oportunities to develop valuable social and leadership skills and to gain an appreciation of different ethnic and racial groups;

Whereas in spite of all the positive aspects of sport, overemphasis on sport at the expense of education may cause serious harm to the future of an athlete;

Whereas the pursuit of victory in athletics among the schools and colleges of this Nation too often leads to exploitation and abuse of the student-athlete;

Whereas less than 1 in 100 high school athletes have the opportunity to play Division I college athletics;

Whereas although college athletes graduate at the same rate as other students, less than 30 percent of scholarship athletes in revenue producing sports graduate from college;

Whereas only 1 in 10,000 high school athletes ever realize an aspiration of a career in professional sports, and those students who become professional athletes may expect a professional sports career of less than 4 years;

Whereas thousands of the youth of this Nation sacrifice academic achievement to the dream of professional athletics;

Whereas the practice of keeping athletes eligible for participation on a team, even at the high school level, must be abandoned for a policy of ensuring a meaningful education and degree;

Whereas coaches, parents, and educators of student-athletes must express high expectations for academic performance as well as for the athletic performance; and

Whereas there is a need in this Nation to reemphasize the student in the term "student-athlete": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 6, 1990, is designated as "National Student-Athlete Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate programs, ceremonies, and activities.●

● Mr. DURENBERGER. Mr. President, we have focused a lot of attention lately on the problems associated with some college athletic programs. And while I wholeheartedly believe that the National Association of College Athletics [NCAA] continue to take disciplinary action against those schools who are violating NCAA rules and who are disservicing not only their athletes but also the general public, I think that if we focus solely on the negative aspects of high school and college athletic programs we will lose sight of the many positive aspects of student athletics.

The resolution that Senator BRADLEY and I are introducing today is designed to bring recognition to the positive aspects of student-athletics, and to emphasize the student aspect of the term student-athlete.

It is often said that people learn more from hands-on experiences rather than they do from classroom academic settings. Thus, a balance of academics and athletics provides the opportunity for our schools and colleges to relate what we learn in the classroom to the real world through real-life experiences.

Almost all of us can remember participating on a school sports team at one time or another while we were growing up. And we can remember the things we learned about ourselves and others while participating in such programs. Team work, self-discipline, leadership, and commitment to a goal are all fostered by a well-balanced program of athletics and academics. These values will stay with a person over a lifetime and will provide direction into the decisions they make and the people they become.

Last year, all 50 States participated in the recognition of the student-athlete. Mr. President, I urge my colleagues again to recognize the contribution of the student-athlete in our society and to support this legislation.●

By Mr. D'AMATO:

S.J. Res. 269. Joint resolution authorizing and requesting the President to designate the second week of March 1990 as "National Employ the Older Worker Week"; to the Committee on the Judiciary.

NATIONAL EMPLOY THE OLDER WORKER WEEK

● Mr. D'AMATO. Mr. President, I rise today to introduce a joint resolution to designate March 12, 1990 through March 18, 1990, as "National Employ the Older Worker Week."

Persons over 55 years of age constitute over 20 percent of the Nation's population as a whole, and their potential for the workplace should not be overlooked. Older workers possess resources of wisdom and experience that can be utilized by a variety of industries, and employers need to be made aware of their low absenteeism, diligence, and generally exemplary work performance.

National Employ the Older Worker Week will seek to encourage employers of all industries to give special consideration to older workers, and also encourage the Department of Labor to assist older workers through job training and counseling programs. Also, the citizens of the United States during National Employ the Older Worker Week will observe the week with appropriate ceremonies, programs and activities.

I ask unanimous consent that the text of this 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. 269

Whereas individuals aged 55 and over are a major national resource, constitute 22 percent of the population of the United States at the present time, and are likely to constitute a larger percentage of the population in future decades;

Whereas a growing number of such individuals, being willing and able to work, are looking for employment opportunities, want to remain in the workforce, or would like to serve their communities and their Nation in voluntary roles;

Whereas such individuals, who have made continuing contributions to the national welfare, should be encouraged to remain in, or resume, career and voluntary roles that utilize their strenths, wisdom, and skills;

Whereas career opportunities reaffirm the dignity, self-worth, and independence of older individuals by encouraging them to make decisions and to act upon those decisions, by tapping their resources, experience, and knowledge, and by enabling them to contribute to society;

Whereas the operation of title V of the Older Americans Act of 1965 has demonstrated that older workers are extremely capable in a wide variety of job roles;

Whereas recent studies conducted by the Department of Labor and the Work in America Institute indicate that, in many cases, employers prefer to retain older workers or rehire former older employees due to the high quality of their job performance and their low rate of absenteeism; and

Whereas the American Legion has sponsored "National Employ the Older Worker Week" during the second week of March in every year since 1959, focusing public attention on the advantages of employing older individuals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate the period commencing March 11, 1990, and ending March 17, 1990 as "National Employ the Older Worker Week," and to issue a proclamation calling upon—

(1) the employers and labor unions of the United States to give special consideration to older workers, with a view toward expanding career and employment opportunities for older workers who are willing and able to work and who desire to remain employed or to reenter the workforce;

(2) voluntary organizations to reexamine the many fine service programs that they sponsor, with a view toward expanding both the number of older volunteers and the types of service roles open to older workers;

(3) the Department of Labor to give special assistance to older workers by means of job training programs under the Jobs Training and Partnership Act, job counseling through the United States Employment Service, and additional support through its Older Worker program, as authorized by title V of the Older Americans Act; and

(4) the citizens of the United States to observe that week with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. CRANSTON, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 15, a bill to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes.

S. 101

At the request of Mr. SANFORD, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 101, a bill to mandate a balanced budget, to provide for the reduction of the national debt, to protect retirement funds, to require honest budgetary accounting, and for other purposes.

S. 384

At the request of Mr. CHAFEE, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 384, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

S. 682

At the request of Mr. SIMON, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 682, a bill to amend chapter 33 of title 18, United States Code, to prohibit the unauthorized use of the names "Visiting Nurse Association," "Visiting Nurse Service," "VNA," "VNS," "VNAA," or the unauthorized use of the name or insignia of the Visiting Nurse Association of America.

S. 1560

At the request of Mr. BURNS, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 1560, a bill to suspend the enforcement of certain regulations relating to underground storage tanks, and for other purposes.

S. 1629

At the request of Mr. SPECTER, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1629, a bill to establish clearly a Federal right of action by aliens and U.S. citizens against persons engaging in torture or extrajudicial killings, and for other purposes.

S. 1728

At the request of Mr. THURMOND, the names of the Senator from Georgia [Mr. FOWLER] and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 1728, a bill to provide disaster assistance to timber producers who suffered losses of trees due to Hurricane Hugo to help them reestablish private timber stands.

S. 1791

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1791, a bill to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes.

S. 1835

At the request of Mr. WILSON, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1835, a bill to amend the Drug-Free Schools and Communities Act of 1986 to provide for the awarding of grants for drug abuse resistance education instruction for students, and for other purposes.

S. 1853

At the request of Mr. CHAFEE, the names of the Senator from Iowa [Mr. HARKIN] and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of S. 1853, a bill to award a Congressional Gold Medal to Laurence Spelman Rockefeller.

S. 1890

At the request of Mr. THURMOND, the names of the Senator from Idaho [Mr. SYMMS], the Senator from Massachusetts [Mr. KERRY], the Senator from South Dakota [Mr. PRESSLER], the Senator from Wisconsin [Mr. KOHL], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 1890, a bill to amend title 5, United States Code, to provide relief from certain inequities remaining in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes.

S. 1898

At the request of Mr. REID, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1898, a bill to provide Federal Government guarantees of investments of State and local government pension funds in high-speed intercity rail facilities.

S. 2015

At the request of Mr. DODD, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 2015, a bill to amend the Ethics in Government Act of 1978 and the Ethics Reform Act of 1989 to apply the same honoraria provisions to Senators and officers and employees of the Senate as apply to Members of the House of Representatives and other officers and employees of the Government, and for other purposes.

S. 2019

At the request of Mr. SYMMS, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 2019, a bill to amend title XVIII of the Social Security Act to eliminate the reimbursement differential between hospitals in different areas.

S. 2041

At the request of Mr. SYMMS, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 2041, a bill to amend title XVIII of the Social Security Act to provide uniform national conversion factors for services of certified registered nurse anesthetists.

S. 2048

At the request of Mr. SARBANES, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2048, a bill to provide for cost-of-living adjustments in 1991 under certain Government retirement programs.

S. 2071

At the request of Mr. PACKWOOD, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 2071, a bill to amend the Internal Revenue Code of 1986 to provide incentives for savings and investments in order to stimulate economic growth.

S. 2158

At the request of Mr. PRYOR, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 2158, a bill to direct the Secretary of Health and Human Services to promulgate regulations to require that an individual telephoning the Social Security Administration has the option of accessing a Social Security Administration representative in a field office in the geographical area of such individual, and for other purposes.

S. 2159

At the request of Mr. BOSCHWITZ, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 2159, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 2222

At the request of Mr. BRADLEY, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 2222, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

SENATE JOINT RESOLUTION 238

At the request of Mr. SARBANES, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Indiana [Mr. LUGAR], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Washington [Mr. GORTON], the Senator from South Dakota [Mr. DASCHLE], the Senator from Montana [Mr. BURNS], the

Senator from California [Mr. WILSON], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of Senate Joint Resolution 238, a joint resolution to designate the week beginning March 5, 1990, as "Federal Employees Recognition Week."

SENATE JOINT RESOLUTION 242

At the request of Mr. THURMOND, the names of the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 242, a joint resolution designating the week of April 22 through April 28, 1990, as "National Crime Victims' Rights Week."

SENATE JOINT RESOLUTION 246

At the request of Mr. BOSCHWITZ, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from New Hampshire [Mr. HUMPHREY], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 246, a joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379.

SENATE JOINT RESOLUTION 248

At the request of Mr. BOSCHWITZ, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Tennessee [Mr. GORE], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 248, a joint resolution to designate the month of September 1990 as "International Visitor's Month."

SENATE JOINT RESOLUTION 257

At the request of Mr. BIDEN, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Nevada [Mr. BRYAN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from New Mexico [Mr. DOMENICI], the Senator from Utah [Mr. GARN], the Senator from Tennessee [Mr. GORE], the Senator from Utah [Mr. HATCH], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Georgia [Mr. NUNN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Idaho [Mr. SYMMS], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Joint Resolution 257, a joint resolution to designate March 10, 1990, as "Harriet Tubman Day."

SENATE JOINT RESOLUTION 262

At the request of Mr. SIMON, the names of the Senator from California [Mr. CRANSTON], the Senator from New York [Mr. D'AMATO], the Senator from Michigan [Mr. LEVIN], the Senator from Indiana [Mr. COATS], the Senator from Tennessee [Mr. GORE], the Senator from Connecticut [Mr. DODD], the Senator from Vermont [Mr. JEFFORDS], the Senator from Nevada [Mr. BRYAN], the Senator from North Dakota [Mr. BURDICK], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Joint Resolution 262, a joint resolution designating March 1990 as "Irish-American Month."

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. SIMON, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Massachusetts [Mr. KERRY], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Concurrent Resolution 94, a concurrent resolution relating to the release of Nelson Mandela and other positive developments in South Africa.

AMENDMENT NO. 1293

At the request of Mr. MITCHELL, the names of the Senator from Nebraska [Mr. EXON], the Senator from Arizona [Mr. MCCAIN], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of amendment No. 1293 proposed to S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

SENATE RESOLUTION 259—RECOGNIZING THE CONTRIBUTIONS OF THE HUGOTON GAS FIELD TO THE NATION

Mr. DOLE (and Mrs. KASSEBAUM) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 259

Whereas the Hugoton gas field holds the most recoverable reserves of any gas field in the United States, and is one of the largest fields in the world;

Whereas the Hugoton gas field has been an major source of natural gas for the United States, yielding over 28.8 trillion cubic feet of natural gas since it was discovered in 1927;

Whereas Hugoton's minerals were of particular importance to the Nation during World War II, the Korean conflict, and the Vietnam war;

Whereas natural gas has long played a critical role in the energy needs of the United States; and

Whereas the Hugoton gas field will be a vital part of our Nation's future energy security: Now, therefore, be it

Resolved, That the Hugoton gas field is recognized for its important contributions to the Nation.

Mr. DOLE. Mr. President, today I am submitting a resolution recognizing the Hugoton gas field for its contributions to America's energy security. The people in my home State of Kansas, as well as in Oklahoma and Texas, are very familiar with the Hugoton gas field, which contains enough reserves to make it one of the largest gas fields in the entire world.

Named after the town of Hugoton, KS, this field has been a valuable supplier of natural gas, yielding over 8.8 trillion cubic feet [TCF] since 1927. In addition, the Hugoton field is an important source of helium gas, accounting for nearly 60 percent of all the helium used in the United States in 1988.

The field has been of particular importance to Kansas. The 11 counties which make up the Kansas portion of the gas field paid over 50 percent of the State severance tax collected during a 1 year period spanning over 1987 and 1988. Furthermore, the production from the Hugoton field enables Kansans to enjoy some of the lowest natural gas prices in the Nation.

While the economies of Kansas and surrounding States have prospered from Hugoton's wells, Hugoton gas is also of national importance. During the second world war, in fact, troops were stationed in Hugoton to guard the field's pipelines from sabotage.

As we take this time to celebrate the Hugoton gas field's past, we must also look ahead to the future of our Nation's energy security. We are approaching a time when we may have to reexamine our national energy situation. While our energy demands continue to grow, our reliance on foreign energy suppliers is increasing.

In my view, the continued development of domestic natural gas resources will play a critical role in maintaining America's energy security. The Hugoton field, with about 34 TCF in reserves, will undoubtedly be an important part of that development.

Sixty years ago, then-Kansas Gov. Clyde Reed recognized the gas field's importance when he declared the town of Hugoton the "gas capital of the southwest." We have benefitted greatly from the fruits of this gas field in the time since. I now urge all of my colleagues to support this resolution to recognize the Hugoton gas field's contributions to the Nation.

AMENDMENTS SUBMITTED

REIMBURSEMENT OF CERTAIN EXPENSES INCURRED IN TESTING FOR BRUCELLOSIS IN CATTLE

WALLOP (AND OTHERS) AMENDMENT NO. 1296

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. WALLOP (for himself, Mr. SIMPSON, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill (S. 1767) to reimburse Montana and individuals for expenses incurred to test cattle for brucellosis organisms carried outside

Yellowstone National Park by elk and bison, and for other purposes, as follows:

On page 1, line 7, strike "Montana private lands" and insert "private lands in Montana and Wyoming".

On page 2, line 1, strike "defacto" and insert "de facto".

On page 2, line 17, strike "Montana is a brucellosis-free state" and insert "Montana and Wyoming (except for Yellowstone National Park) are brucellosis-free States".

On page 2, line 20, strike "Montana" and insert "the cattle owners of Montana and Wyoming and the governments of those States".

On page 3, strike lines 1 through 6 and insert the following:

SEC. 2. REIMBURSEMENT OF COSTS AND DAMAGES.

(a) IN GENERAL.—The Secretary of the Interior shall reimburse the owners of cattle ranched in the States of Montana and Wyoming and the governments of those States for—

(1) the costs of testing cattle for brucellosis made necessary or prudent because of a demonstrated risk that the cattle have become infected with brucellosis as a result of having been exposed to elk or bison herds that have come from Yellowstone National Park; and

(2) reasonably foreseeable economic loss caused by the necessity of destroying cattle that have become infected with brucellosis as a result of having been exposed to elk or bison herds that have come from Yellowstone National Park.

On page 3, line 10, insert "the" between "of" and "Interior".

On page 3, line 13, strike "to carry out this Act $50,000 for fiscal year 1991, and $50,000 for fiscal year 1992" and insert "such sums as are necessary to carry out this Act".

Amend the title to read as follows: "To reimburse cattle owners in Montana and Wyoming and the governments of those States for expenses incurred to test cattle for brucellosis organisms carried outside Yellowstone National Park by elk and bison and for economic loss caused by the necessity of destroying cattle that have been infected by elk and bison herds of Yellowstone National Park, and for other purposes.".

CLEAN AIR ACT AMENDMENTS

BAUCUS (AND OTHERS) AMENDMENT NO. 1297

Mr. BAUCUS (for himself, Mr. SYMMS, and Mr. DOLE) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes, as follows:

Insert on page 243, line 24, after (4), "(A)" and insert on page 244, line 3, at the end of the period the following:

"(B) Standards for sources of ammonia shall be established pursuant to this subsection within the time established by subsection (e)(1)(C). The Administrator shall establish a health threshold for ammonia before standards are required to be promulgated pursuant to subsection (e)(1)(C). Emission standards for sources of ammonia shall be established at levels which protect public health with an ample margin of safety."

SIMON AMENDMENTS NOS. 1298 THROUGH 1301

(Ordered to lie on the table.)

Mr. SIMON submitted four amendments intended to be proposed by him to the bill S. 1603, supra, as follows:

AMENDMENT No. 1298

On page 229, line 7, delete "two" and insert in lieu thereof "four".

On page 229, line 9, delete "report" and insert in lieu thereof "study".

On page 229, line 12, after the period add the following: "The Administrator shall commence such study within 60 days following the date of the enactment of this subpart.".

On page 229, line 14, strike out "report" and insert in lieu thereof "study".

On page 229, line 16, strike out "regulations" and insert in lieu thereof "such regulations as he deems necessary (based on the study".

On page 231, after line 24, add the following new paragraph:

"(6) The Administrator may, at any time after 2 years after initiation of the study pursuant to paragraph (1) and based upon substantial evidence developed in such study, propose and promulgate, pursuant to section 307, regulations with respect to a specific consumer or commercial product, provided—

"(A) that the Administrator has first determined, after consultation with and comment by interested parties, including any affected industries, that such regulations will achieve a significant reduction in ambient air concentrations of ozone; and

"(B) that such regulations apply reasonably availble controls.".

AMENDMENT No. 1299

On page 469, between lines 20 and 21, insert the following:

"(i) Not later than 90 days after the date of the enactment of this title, the Administrator shall submit to the Congress a report on the feasibility and effectiveness of requiring some or all Federal facilities to use compact fluorescent lamps instead of incandescent lamps in order to reduce the use of electrical energy and thereby reduce the levels of sulfur dioxide emission.

AMENDMENT No. 1300

On page 168, between lines 14 and 15, insert the following:

(c) Nothing in the amendments made by this section shall be construed as requiring any Federal, State or local environmental or transportation agency to adopt or implement any transportation control measure published and made available to such agency pursuant to 108(f)(1) of the Clean Air Act.

AMENDMENT No. 1301

On page 305, line 12, after the period add the following: "Not later than twelve months after the enactment of this subsection, the Administrator shall submit to the Congress a report on the feasibility and effectiveness of requiring the provisions in this paragraph to be applied to all cities of 100,000 population or greater regardless of their attainment status."

GLENN (AND HEINZ) AMENDMENT NO. 1302

(Ordered to lie on the table.)

Mr. GLENN (for himself and Mr. HEINZ) submitted an amendment intended to be proposed by them to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

Commencing with line 11 on page 319 of the amendment No. 1293, strike out all through line 2 on page 320.

McCONNELL (AND BYRD) AMENDMENT NO. 1303

Mr. McCONNELL (for himself and Mr. BYRD) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the end of Title IV of amendment 1293 add the following new section:

"SEC. .

"The Administrator of the Environmental Protection Agency, in consultation with the Secretary of State, the Secretary of Energy, and other persons the Administrator deems appropriate, shall prepare and submit a report to Congress on January 1, 1994, January 1, 1999, and January 1, 2005.

"The report to Congress shall analyze the current emission levels of sulfur dioxide and nitrogen oxide in each of the provinces participating in Canada's acid rain control program, the amount of emission reductions of sulfur dioxide and oxides of nitrogen achieved by each province, the methods utilized by each province in making those reductions, the costs to each province and the employment impacts in each province of making and maintaining those reductions.

"Beginning on January 1, 1999, the reports shall also assess the degree to which each province is complying with its stated emissions cap."

McCONNELL AMENDMENT NO. 1304

Mr. McCONNELL proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the end of title IV of amendment 1293 add the following new section:

"SEC. .

"The Secretary of Energy in Consultation with the Secretary of Commerce shall provide a report to the Congress within one year of enactment of this legislation which will identify, inventory and analyze clean coal technologies export programs within U.S. government agencies including the Departments of State, Commerce, and Energy and at the Export-Import Bank and the Overseas Private Investment Corporation. The study shall address the effectiveness of interagency coordination of export promotion and determine the feasibility of establishing an interagency commission for the purpose of promoting the export and use of clean coal technologies."

BENTSEN (AND GRAMM) AMENDMENT NO. 1305

Mr. BAUCUS (for Mr. BENTSEN, for himself and Mr. GRAMM) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

Section of the bill is hereby amended to read as follows:

"( ) NATURAL URBAN AIR TOXICS RESEARCH CENTER—

"(1) The Administrator shall oversee the creation of a National Urban Air Toxics Research Center, to be located at a university, a hospital or other facility capable of undertaking and maintaining similar research capabilities in the areas of epidemiology, oncology, toxicology, pulmonary medicine, pathology and biostatistics. The geographic site of the National Urban Air Toxics Research Center should be further directed to Harris County, Texas, in order to take full advantage of the well developed scientific community presence currently on-site at the Texas Medical Center as well as the extensive data previously compiled from the comprehensive monitoring system currently in place.

"(2) The National Urban Air Toxics Research Center shall be governed by a Board of Directors to be comprised of nine numbers, the appointment of which shall be allocated pro rata among the Speaker of the House, the majority leader of the Senate the President. The members of the Board of Directors shall be selected based on their respective academic and professional backgrounds and expertise in matters relating to public health, environmental pollution, and industrial hygiene. The duties of the Board of Directors shall be to determine policy and research guidelines, submit views from Center sponsors and the public and issue periodic reports of Center findings and activities.

"(3) The Board of Directors shall be advised by a Scientific Advisory Panel, the thirteen members of which shall be appointed by the Board, and to include eminent members of the scientific and medical communities. The Panel membership may include scientists with relevant experience from the National Institute of Environmental Health Sciences, the Center for Disease Control, the Enviromental Protection Agency, the National Cancer Institute and others, and the Panel shall conduct peer review and evaluate research results. The Panel shall assist the Board in developing the research agenda, reviewing proposals and applications and advise on the awarding of research grants.

"(4) The Center shall be established and funded with both federal and private source funds."

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs scheduled business meeting for Tuesday, March 6, 1990, beginning at 2 p.m., in 485 Russell Senate Office Building to consider and report the committee's recommendations has been moved to Thursday, March 8, 1990 at 4 p.m.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold four field hearings during the March recess.

March 14: Norwalk United Methodist Church, Norwalk, IA, 10 a.m. For further information, please call Mark Halverson at 224-3254.

March 14: Fonner Park Club House, upper level, Grand Island, NE, 2:30 p.m. For further information, please call Tim Galvin at 224-6551.

March 15: North Dakota State University, Memorial Union-State Ballroom. Fargo, ND, 9 a.m. For further information, please call Kent Hall at 224-2043.

March 15: Ramkota Inn, Aberdeen, SD, 3 p.m. For further information, please call Rob Wise at 224-2321.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the Senate and the public that two hearings have been scheduled before the Subcommittee on Energy Research and Development.

The purpose of the hearings is to receive testimony on Senate bill S. 1966, the Advanced Nuclear Reactor Research, Development, and Demonstration Act of 1989.

The first hearing will take place on Thursday, March 29, 1990, at 9:30 a.m., and the second hearing will take place on Monday, April 2, 1990, at 2 p.m. Both hearings will be conducted in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to provide written testimony for the printed hearing record should send it to the Subcommittee on Energy Research and Development, U.S. Senate, Washington, DC 20510, Attn: Ben Cooper.

For further information, please contact Ben Cooper or Mary Louise Wagner at (202) 224-7569.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony from the Department of Energy on its decision plan related to the opening of the Waste Isolation Pilot Plan in Carlsbad, NM. Testimony will also be received on any proposed legislation to withdraw the public lands surrounding the WIPP site.

The hearing, originally scheduled to take place on March 29, 1990, has been rescheduled. The hearing will now take place on Tuesday, April 3, 1990, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attn: M.L. Wagner.

For further information, please contact Mary Louise Wagner at (202) 224-7569.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 6, at 10 a.m. to hold hearings on pending ACDA nominations.

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

SUBCOMMITTEE ON SECURITIES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Securities Subcommittee of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Tuesday, March 6, 1990, at 10 a.m. to hold oversight hearings on the condition of the securities industry.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 6, at 11 a.m. to hold a business meeting to consider and vote on pending nominations and legislation.

The committee will consider and vote on the following agenda items:

I. NOMINATIONS

Ms. Hilary Paterson Cleveland, of New Hampshire, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

Mr. David C. Fields, of California, to be Director of the Office of Foreign Missions, with the rank of Ambassador.

Mr. Ronald W. Roskens, of Nebraska, to be Administrator of the Agency for International Development.

Mr. Robert W. Farrand, of Virginia, to be Ambassador to Papua New Guinea and to serve concurrently as the Ambassador to the Solomon Islands and the Republic of Vanuatu.

Mr. J. Steven Rhodes,* of California, to be Ambassador to Zimbabwe.

Mr. Bradley Gordon,* of Virginia, to be an Assistant Director for the Bureau of Nuclear and Weapons Control, U.S. Arms Control and Disarmament Agency.

Ms. Susan Jane Koch,* of the District of Columbia, to be an Assistant Director for the Bureau of Strategic Programs, U.S. Arms Control and Disarmament Agency.

Mr. Michael Lorne Moodie,* of Maryland, to be an Assistant Director for Multilateral Affairs, U.S. Arms Control and Disarmament Agency.

* Pending the satisfactory completion of hearings.

Mr. Larry K. Mellinger, of California, to be U.S. Executive Director of the Inter-American Development Bank for a term of 3 years.

Foreign Service Officer's promotion list, Mr. Anderson et al., January 23, 1990.

Foreign Service Officers' promotion list, Mr. Baker et al., January 28, 1990.

II. LEGISLATION

S. Con. Res. 92, commemorating the Treaty of Amity and Commerce of 1833 between the United States and Thailand.

S. Con. Res. 94, relating to the release of Nelson Mandela and other positive developments in South Africa.

S. Con. Res. 95, relating to negotiations relative to German unification.

S. Con. Res. 97, expressing the sense of the Congress with respect to popular anti-Semitism in the Soviet Union.

S.J. Res. 75 (with an amendment requested by the sponsor, Mr. MATSUNAGA) relating to NASA and the International Space Year.

S.J. Res. 246, calling upon the United Nations to repeal the resolution on Zionism as racism.

H.J. Res. 472, expressing support for Chile's transition to democracy.

H. Con. Res. 258, congratulating the President of Honduras on his election and offering good wishes.

S. Res. 257, Pell resolution expressing the advice of the Senate with regard to any treaty or other legal instrument entered into by the United States affecting the status and boundaries of a united Germany.

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

COMMITTEE ON FINANCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 6, 1990, at 10 a.m. to hold a hearing on the revenue provisions contained in the President's budget for fiscal year 1991 and all expiring tax provisions not included in the President's budget.

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

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Armed Services Committee be authorized to meet in open session on Tuesday, March 6, 1990, at 2:15 p.m. to consider the nominations of: Donald J. Yockey to be Deputy Under Secretary of Defense for acquisition; Charles M. Herzfeld to be Director of Defense Research and Engineering; Gerald A. Cann to be Assistant Secretary of the Navy (research, development, and acquisition); and Jacqueline E. Schafer to be Assistant Secretary of the Navy (installations and environment).

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 6, at 9:30 a.m. to hold a hearing on J. Steven Rhodes, to be Ambassador to Zimbabwe.

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

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate Tuesday, March 6, 1990, 9:30 a.m. for a hearing to receive testimony on S. 666, to enroll 20 individuals under the Alaska Native Claims Settlement Act; S. 1128, for the relief of Richard Saunders; S. 1719, to designate the segment of the Colorado River within Westwater Canyon in Utah as a component of the National Wild and Scenic Rivers System; S. 1738, to convey certain Oregon and California land grant lands in Oregon to the Rogue Community College District; and S. 1837, to direct the Secretary of the Interior to establish a desert research center.

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

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate Tuesday, March 6, 1990, 2 p.m. for a hearing to receive testimony on S. 1976, the Department of Energy High-Performance Computing Act of 1989.

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

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 6, 1990, at 10 a.m., to hold a hearing on S. 2027, a bill to require certain procedural changes in the U.S. district courts in order to promote the just, speedy and inexpensive determination of civil actions, and for other purposes.

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

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production and Stabilization of Prices of the Senate Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, March 6, 1990, at 9:30 a.m. to hold a hearing in preparation for the 1990 farm bill. The hearing will address sugar issues.

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

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production and Stabilization of Prices of the Senate Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, March 6, 1990, at 2 p.m. to hold a hearing in preparation for the 1990 farm bill. The hearing will address crop insurance issues.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 6, 1990, at 2 p.m. to hold a closed hearing on Intelligence matters.

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

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, March 6, 1990, at 2:30 p.m., to hold a hearing on 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.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BAUCUS. Mr. President, The Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Veterans' Affairs Committee to hear a legislative presentation by the Veterans of Foreign Wars on Tuesday, March 6, 1990, at 9:00 a.m. in SH-216.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, March 6, at 9:30 a.m., for a hearing on the sub-

ject: "Serious Problems in Department of Defense Supply System."

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

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BAUCUS. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a business meeting on Tuesday, March 6, 1990, beginning at 2 p.m., in 485 Russell Senate Office Building to consider and report the committee's recommendations.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

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

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on March 6, 1990, beginning at 9 a.m., in 485 Russell Senate Office Building to consider and report the committee's recommendations.

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

ADDITIONAL STATEMENTS

THE INDEPENDENCE OF NAMIBIA

● Mr. LEVIN. Mr. President, on March 21, Namibia will become an independent nation. The people of Namibia have held elections to choose a Constituent Assembly which, in turn, has adopted a democratic Constitution and, on February 16, unanimously elected Sam Nujoma as Namibia's first President. The election, originally scheduled for March 16, was brought forward for protocol reasons relating to the coming independence celebrations. There were no other nominees and the Assembly greeted Mr. Nujoma's election with a standing ovation. In his acceptance speech, the President-elect pledged to uphold the Constitution and to execute his duties in the spirit of "National reconciliation, unity, peace and stability."

The events have taken place at a time when incredible moments have occurred throughout the world. The Berlin Wall has fallen, Eastern Europe has thrown out its totalitarian leaders and moved toward democracy, South Africa has begun a process of monumental change, Chile has held free elections, and the Soviet Union seems poised to enter an entirely new era. Yet these momentous events should not overshadow what has taken place in Namibia.

Since 1915 Namibians have been ruled by South Africa. The United Nations declared the Southwest African People's Organization [SWAPO], led by Sam Nujoma, the sole authentic representative of the people of Namibia in 1973. Since that time the United States has worked to bring about the independence of Namibia and I have been proud to have served on the Commission on Independence For Namibia, a project headed by Ms. Gay McDougall of the Lawyers' Committee for Civil Rights Under Law.

I want to take this opportunity to congratulate the people of Namibia for their courageous struggle which has led to the beginning of their nationhood. The United States must do its share to recognize the new democracy of Namibia by encouraging investment, trade, and providing technical and economic assistance where it is needed. On March 21, all sanctions against Namibia which applied as a territory of South Africa will be lifted and an exciting new era of opportunity will begin.

The people of my State join in congratulating President Nujoma and the people of Namibia for their swift national reconciliation, adoption of an excellent Constitution, and birth of a nation.●

REGARDING THE NOMINATION OF KYO RHOON JHIN TO BE CHIEF COUNSEL FOR ADVOCACY U.S. SMALL BUSINESS ADMINISTRATION

● Mr. WALLOP. Mr. President, it was with much sadness that I recently learned Kyo Rhoon Jhin withdrew his name from nomination to be the Small Business Administration's Chief Counsel for Advocacy. He did so, in my view, because the majority on the Small Business Committee refused to focus on his strong educational background and list of achievements. Instead they insisted on regurgitating unfounded allegations of impropriety. It was a complete mockery of our nomination process.

What we have here, Mr. President, is just another example of trial by transom of a bright, ambitious individual who wanted to contribute something to the good of his country and to small business with which he is so familiar. I would hasten to say that this is not the first time—and probably will not be the last—that we in this body have witnessed the character assassination of an honorable and qualified individual.

While the Democrats continue to insist that administrations choose the best and the brightest people as appointees to executive slots, they also continue to deny the President the privilege of nominating those people he finds most competent. Here again we have eliminated totally the point that those who know most about the small businesses of our country are, by definition, the least qualified by democratic standards to be Chief Counsel for Advocacy. In this case as in so many others we have the liberals getting out to destroy a member of a minority group because he was so uppity as to be an articulate conservative. The liberals serve warning that minorities must remain in their place—lean to the left or be destroyed in want of your family.

There were those on the Small Business Committee who complained that Mr. Jhin was not an attorney. There is no law written that says that the chief counsel must be a lawyer. There is not even a law that says our Attorney General must be an attorney. Mr. President, Mr. Jhin's educational background demonstrated that he would have been able to perform the duties of advocate for America's small businesses.

In the State of Alabama, Mr. Jhin, in his capacity as director of the Alabama Regional Education Service Agency, developed a set of recommendations for an Adult Education Program that brought 10,000 adults to a status of literacy that they did not possess. It seems to me that in addition to working with other government agencies, testifying among them, getting to work with each other, one of the main roles of the Chief Counsel for Advocacy is to develop some kinds of programs that can find the support within the Government and participation within the small business community of America.

When asked about his role in performing such a task during his confirmation hearing, Mr. Jhin replied that he was looking forward to working with the Department of Education to help prepare the small businesses of our Nation carry out their day to day needs. I would also note that as a Korean-American, Mr. Jhin's small business background and educational experience would have brought much to bear on our ability to inform the small business community about new trade opportunities in the European Community, particularly the Pacific Rim. And, with all the changes in the economies of Eastern European countries and the potential for trade in the Eastern bloc—albeit a few years off—the type of experience that Mr. Jhin possesses becomes even more critical.

Mr. President, I point in all this to a nomination process that is a sham and it is time for the Senate to put a stop to it. It is unfair. It is unfair to the President of the United States; it is unfair to the nominee; it is unfair to his family and friends and it is unfair to the Senate. We are better people, or have been, than we are now for allowing the character assassination of a good man.●

A FRESH APPROACH TO CAPITAL GAINS

● Mr. SIMON. Mr. President, one of the more stimulating people on the

American business scene is Stephen C. Swid, chairman and chief executive officer of SCS Communications, and a person cited frequently in the New York Times and elsewhere for his fresh thought, as well as his contributions to civic life.

Recently, he wrote a piece on the capital gains tax that makes more sense than most of the things I have read.

I particularly believe that his suggestion that future investment should be supported by more equity and less debt is absolutely sound.

The problem with the present structure that encourages piling up debt is that if the business collapses, a great many people who have acquired the debt and are dependent on it will go down, also.

In the case of equity, everyone knows that you are taking certain risks, and you cushion against those risks.

There are a few things in the Stephen Swid observations that I differ with, particularly his praise of the 1986 tax bill.

But he is willing to think in fresh terms, and that's one of the things that this Nation desperately needs.

I urge my colleagues to read his statement, and I ask to insert it in the RECORD at this point.

The statement follows:

REMARKS BY STEPHEN C. SWID

Rarely does a President have a second chance not only to accomplish, but also to improve on an original objective after his first approach has been defeated. Now is one of those moments.

Congress has recently killed President Bush's capital gains tax proposal. He proposed a 29-month capital gains tax cut in order to push America towards investment. The President promoted his proposal as the inspiration for Americans to look towards funding our future rather than endowing ourselves with of-the-moment consumption.

The President is correct when he calls for increased investment by Americans in America. If this is his main goal, and it should be, and not just a smokescreen for other purposes, why doesn't he propose lowering the capital gains tax for new investments made during the first term of his administration and held for at least five years?

This kind of proposal will entice our best corporations to increase their research dollars and accelerate their product cycle. It will push our entrepreneurs to use their foresight and instincts to increase investments enabling American industry to be better prepared to face the strongest competitors in the next century.

Also, it would be more effective if future investment was supported with more equity and less debt. Therefore, coupled with a new tax measure that truly responds to the need of investment, the government should ask for an end to the double taxation of dividends. Placing dividends and interest expense on equal footing would induce corporate financial officers to issue more equity and less debt for investment. More importantly, yet immeasurable, is the universal opinion that a one-tax dividend will push public stock market multiples higher.

It is the latter that will enable American financial and industrial companies to compete more effectively with their Japanese competitors. For example, if the immense Japanese money-center banks can issue equity at 60 times their earnings per share, how can our multinational banks compete at 8 times earnings? They are unable to. Therefore, America's banks have a much higher cost of funds leading to the need to have much higher lending rates.

The effect of Ronald Reagan's economic program of the eighties was tax reform and the massive build-up of government debt. The Tax Reform Act of 1986 was a masterpiece of legislation resulting in the fairest tax structure Americans have seen since the first federal progressive tax was introduced in 1862 to support the Civil War. Also, the 1986 Tax Reform Act was a compact between taxpayers and the government. It reduced income taxes in trade for the advantage of tax preferences. Over the years, the constant addition of preferences had raped our tax system. Major corporations earning hundreds of millions of dollars did not pay any taxes at all. Some wealthy individuals found themselves in the same fortunate position.

The increase in debt is the other side of the proverbial coin. It is totally unfair. It gives to today's generation of Americans while burdening the next. Since the founding of our colonies, Americans have worked hard so that their children could live a better life. President Bush and his political advisors understand this philosophy very well. That is why they coat their capital gains tax reduction with the illusion of it providing investment motivation. It is their rationale, their key selling point in pressuring our elected officials to vote with them.

On the surface it sounds great, wrapped in red, white and blue; it's the elixir to compete with the foreign investment that finds American real and operating assets attractive and cheap. Although it is clear as a summer's day that the benefits of selling, especially over a truncated period of 29 months, is not what investment is made of. The philosophy of investing still holds true after endless generations, so why doesn't George say what he means? Let's read his lips.

The President firmly states that a capital gains tax cut is not a Christmas present to the rich. Yet, do today's working people or working couples have enough disposable income to invest in new businesses or the stock market? Highly unlikely. Government statistics have shown us that disposable income and personal savings were lower in the 1980's than in the previous three and a half decades since the end of World War II.

The proposed capital gains tax cut would have rewarded stockbrokers and investment bankers, the beneficiaries of increased activity, and the Treasury would have collected higher dollar receipts, even with the lower rate in the short-term. This government assumption, in itself, proves that the proposed tax cut pushes us towards selling, not investing.

The proposed tax cut is not right for other reasons, all of which are meaningful. After the immediate rush of tax revenues the stream will reverse; government projects a loss of at least $4 billion annually after 1991. Can our deficit plagued Treasury really afford to lose revenues? Is short-term tax policy ever effective or is it more likely to be destructive?

With America in dire need of investment and long-term economic planning, and our stock market, as represented by the Standard & Poor's 425 industrial companies, selling at 14 times earnings per share compared with Japan's Nikkei Index of industrial corporations selling at 60 times earnings, we are in need of a creative, honest and rational tax policy dedicated to motivating us to invest.

President Bush should follow his own beliefs and re-submit a capital gains tax reduction tied to new investment and eliminate double taxation on dividends. Of course, this is not to say that everything is equal between American and foreign economies, but regardless of other inequities, our government should take these two steps to give our long-term economic future a well deserved boost.

Stephen C. Swid is Chairman & CEO of SCS Communications and Chairman of the Executive Committee of the Institute for East-West Security Studies.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1990, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $3.5 billion in budget authority, and over the budget resolution by $4.0 billion in outlays. Current level is under the revenue floor by $5.2 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $114.6 billion, $14.6 billion above the maximum deficit amount for 1990 of $100 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 5, 1990.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1990 and is current through March 1, 1990. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1990 Concurrent Resolution on the Budget (H. Con. Res. 106). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated February 26, 1990, there has been no action that affects the current level of spending or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG. 2D SESS. AS OF MAR. 1, 1990

[In billion of dollars]

	Current level [1]	Budget resolution H. Con. Res. 106	Current level +/− resolution
FISCAL YEAR 1990			
Budget authority	1,325.9	1,329.4	−3.5
Outlays	1,169.2	1,165.2	4.0
Revenues	1,060.3	1,065.5	−5.2
Debt subject to limit	2,990.5	3,122.7	−132.2
Direct loan obligations	19.1	19.3	−.2
Guaranteed loan commitments	114.7	107.3	7.4
Deficit	114.6	[2] 100.0	[3] 14.6

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions. In accordance with Sec. 102(a) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act (101 Stat. 762) the current level deficit amount compared to the maximum deficit amount does not include asset sales.

[2] Maximum deficit amount [MDA] in accordance with section 3(7)(E) of the Congressional Budget Act, as amended.

[3] Current level plus or minus.●

FORT WAYNE, IN, SCHOOL RESTRUCTURING

● Mr. KERREY. Mr. President, I rise today to note the heroic accomplishment of an American from Fort Wayne, IN.

In the March 4 Washington Post there appeared a story about the schools of East Allen County in Fort Wayne. I ask that the article by David Maraniss be included in the RECORD.

The story described the decision by the East Allen County School Board to do two of the most difficult things that any elected representative can be asked to do: consolidate and integrate neighborhood schools. The hero of the story for me as Steve Stieglitz, a soybean farmer and a member of the board, who had to cast the tie breaking vote.

Mr. Stieglitz's father wanted him to vote against the school superintendent's proposal. Many of his neighbors, who were in the room the night of the vote, felt the same way. The numbers of people gathered for the board's decision who were opposed to the plan far outnumbered those who supported it.

Mr. President, we here in the Senate have the luxury of making our decisions in the quiet of this Chamber. Any disruptions in our deliberations are caused by Members and not by citizens who witness what we do from the galleries or on C-SPAN. Although all of us face our voters in town hall meetings and every 6 years at the polls, it is not the same as making the decision in the manner of Steve Stieglitz.

When the Governors were in town for their annual meeting, they and the President used the opportunity to describe the urgent need for school board members to participate in school restructuring. For the Governors, the President, and us, restructuring is an abstract word. For Steve Stieglitz it was a vote—in the face of angry and hostile citizens—for consolidation and integration.

The Washington Post writer said that Steve Stieglitz was still in agony on the day after his vote. He was still troubled by the potential of what he had done. For my part, and from the cool vantage of these chambers, I am inspired by his courage and moved to greater hope as a consequence of his brave act.

[From the Washington Post, Mar. 4, 1990]

INTEGRATION: ITS PROMISE AND FAILINGS: AFTER FIGHTING FOR BALANCE, SUPERINTENDENT MOVES ON

(By David Maraniss)

Fort Wayne, Ind.—When Mike Benway became superintendent of schools in Allen County eight years ago, he told the board of education that the number one problem he hoped to resolve was the system's racial imbalance. He came closer to reaching that goal than many people expected, but not as close as he hoped. And soon he will be departing, leaving behind a five-year contract, a file of hate mail and telephone that buzzed with racist insults.

The life of a superintendent is rarely tranquil, but Michael P. Benway's in recent months was virtually nonstop stress.

One day his wife came home from a town sporting event where no one would sit by her. Another day he was warned that he needed police protection. He grimaced one night when Mary Barksdale, the lone black member of the school board and his strongest ally, faced taunts of "Chicken! Chicken!" from angry parents who spotted her entering the board room through a back door. Then his 7th grade son, shy and hesitant to tell his dad anything unpleasant, revealed that boys at school wanted to smash a truck into the superintendent's house. "If your dad's so great," they asked, "why was he run out of town after ruining a school system in Minnesota?"

Benway told his son that he had never been in Minnesota. Then he said to himself: "I'm tired of this crap!" And so he is moving on, ending an era that revealed both the promise and the failure of public school integration in the United States.

Integration, not only in shools but across all of America's major institutions, is a concept that has gone out of fashion. To many whites, integration came to mean social engineering, quotas, forced busing. To many blacks it became synonymous not with equality, but with assimilation, giving up a sense of self and community in a perhaps futile effort to be accepted by the majority-white culture, and capitulating to the cause of harmony rather than pursuing the more elusive goal of justice.

But while the word may not be fashionable, integration overlays all other aspects of race relations. Prejudice, discrimination, empowerment, pluralism, intolerance, diversity—all these divergent themes are played out in settings where black and whites are "integrated" and where they interact, at least superficially.

This series of articles will explore the interracial dynamics in five key institutions of American life: the public school, the church, the military, the university and the corporation. Of the five, it is the public school system that most directly touches most Americans.

It has been 26 years since *Brown* v. *Board of Education*, the seminal school desegregation case in American history. More constitutional law, blood, sweat, time, money, research and political effort have been expended over the issue of race in public schools than in any other major institution in American society. This was the arena that was thought to be the nation's major success story, but in many ways the frustrations of Superintendent Benway in northeastern Indiana are representative of larger failings north and south.

In the South, there was dramatic desegregation of public schools starting in 1965, when the government overcame resistance with the threat of federal aid cutoffs, but often the effort stopped with numerical balance. There was little true integration. Between 1968 and 1971 more than 1,000 black teachers and principals lost their jobs in the consolidation process at the same time that 5,000 whites were being hired. Few schools developed programs to train teachers in race relations. White administrators often said they were "color blind," a way, said University of Pittsburgh school psychologist Janet Schofield, of dismissing the racial implications of disciplinary and academic actions.

RESHAPING SCHOOL BOUNDARIES

In the north, where many urban school systems ended up virtually all black, issues of integration became almost irrelevant, said University of Chicago sociologist Gary Orfield, especially after the Supreme Court's *Milliken* v. *Bradley* decision in 1974 that ruled against cross-district school busing between cities and suburbs. Illinois and New York now have the nation's highest percentages of black students attending predominantly minority schools, each at more than 80 percent. Projections in New York indicate that in 20 years there will be virtually no whites in the schools of Queens, Brooklyn, Manhattan and the Bronx.

The East Allen County School District has a bit of everything, covering 330 square miles from the predominantly black southeast quadrant of Fort Wayne, Indiana's second-largest city, out through isolated farm towns of German Lutheran heritage—Woodburn, Hoagland, Monroeville, Harlan—to the Ohio line. Its borders long predate the current racial makeup of the area, and the diversity in the East Allen County district today is such that Benway once met with a black Muslim minister in the morning and an Amish high bishop at night.

For decades sections of the district operated as worlds apart. But in the 1980s, with the black section of the district growing and rural white areas declining, Benway agreed with a study by the Ball State School of Education saying it made economic sense to reshape the district's internal school boundaries. Even more, he agreed with board member Barksdale that the East Allen district's 9,500 students would benefit academically and sociologically from increased racial interaction.

Black students approached 15 percent of total enrollment, yet four of the five high schools and eight of the 10 elementary schools were all white.

Unlike neighboring Fort Wayne Community School District, which included most of the city, the East Allen district had not yet faced legal pressure to desegregate. Whether that lay ahead was uncertain, but Benway wanted to take action. He began three years ago with an experiment: the transfer of kindergarten through 5th grade

students from predominantly black Village Elementary out to all-white Hoagland Elementary nine miles away down a winding country highway.

"I had some reservations about sending the black kids out there," Benway recalled recently. "We had to find a strategy for making them feel accepted." The strategy they decided upon was cooperative team learning, a method designed to reduce racial stereotypes by having students study and compete in four-member biracial teams. Studies conducted at Minnesota and the Johns Hopkins Center for Research on Elementary and Middle Schools attested to its academic and sociological effectiveness.

The method works like this: The teacher organizes the classroom into small teams balanced by race, sex and academic achievement. Students in each team push their desks together and help each other study a specific subject. They give names to their teams: Batman and the Jokers, Uncle Buck Spellers, The Bad Dudes, Mega Force.

In some variations, team members split up once a week and compete in quizzes with students at the same achievement level on other teams. There still is individual responsibility—each student is graded separately based on improvement—but there also are awards at the end of each week for teams with the most points. The idea is to bring students together on equal footing and give each member of a team reason to think that he or she has something to contribute.

Jennifer Reinking was in 4th grade when the first black students arrived at Hoagland in the fall of 1987. She had lived all her life in the old agrarian town, and the only blacks she ever saw were on television or at the mall. When her teacher announced that black students were coming, she worried that some white classmates would be rude. "You know how kids are," she said. "Some might think that just because people are black, they are not equal. But it wasn't that way at all. Most kids were looking forward to it and made a lot of friends."

She called cooperative learning "one of the funniest things we have. When you're just sitting in a classroom, they try to put a label on you like you're smart or not, but everybody is good at something. It kind of brings that out. And believe me the spelling grades have gone way, way up since we started."

Kemberly Lael Watkins was in 2nd grade. One of the black children bused out to Hoagland, she arrived wearing a red, yellow and green African unity medallion and carrying some anxieties in the back of her mind: Would the whites treat her like a slave and tell her what to do? She also was sad because she had to leave old friends behind. "But I feel comfortable with my friends here," she said, especially the ones she has made on her math and spelling cooperative learning teams.

Adults were less enthusiastic. Principal Gerald Hapke was approached by one of his parent volunteers who said: "Jerry, I don't mind my children going to school with them, but I don't want them living out here."

Lynn Marquardt, a teacher who oversees the cooperative learning programs, had inlaws in Hoagland and heard all the talk. "There were a lot of problems with parents who were afraid it would be the failing of the school," she said. "Afraid things would get stolen. These people see themselves as worldly, but their exposure to the outside world is limited. What they wanted to do was sell the blacks in East Allen back to Fort Wayne."

The point of cooperative learning, from the perspective of Benway and school board member Barksdale, was to take the process beyond mere numerical desegregation. But there were limits. The school had no black teachers or administrators, and while some teachers were comfortable with black students, others were not.

For principal Hapke, who had taught in Hoagland for 20 years, face-to-face dealing with blacks was a totally new experience. During his boyhood, Hapke said, he did not know any blacks. If blacks were discussed in his family it was in a negative context. His grandmother threatened to "take me down and give me to the niggers if I misbehaved."

One day this school year, Hapke looked across the cafeteria at a black 4th grader and said: "He came here with a lot of hype and jive, but I've tried to get it out of him." The principal said he had a hard time dealing with black culture. "There are certain things these people have in their thinking process," he said, "that leads to defeat."

DEBATE PLAYED OUT ELSEWHERE

Later, in this office, Hapke said Benway was always talking to him about affirmative action, but Hapke didn't know what it meant. "Handouts," Hapke said, "are more disservice than help." Then he talked about how "the black life style has infiltrated" white society, "with sexual freedom," he said. "They've had that a lot longer than whites, and some whites have adopted that in some cases."

Barksdale said it was principals such as Hapke who made some blacks decide that integration was not worth it. She does not subscribe to that view herself, she said, but understands it. She knows what Harvard law professor Derrick Bell meant when he said: "Societal racism can disadvantage black children as effectively (although more subtly) in integrated as in segregated schools."

Not far from Barksdale's house—across the school district line in the Fort Wayne Community school system—another version of that debate was being played out. There, black administrators and community leaders balked at parts of a desegregation plan that would take students away from Ralph Bunche Elementary, a predominantly black school with a black principal, Oscar Underwood, whose programs have achieved national recognition. While black support for school desegregation remains strong (nationwide polls consistently have shown blacks endorsing busing for desegregation by 2 to 1, while whites are 4 to 1 against), there always has been concern in the black community about desegregation's methods.

Kaitu Oludawa, editor of Fort Wayne's African-American newspaper, Frost Illustrated, is a leading opponent of desegregation. "We have 30 years of history behind us to tell us that it does not work," he said. "The condition of black people is no better today than it was 30 years ago. The cultural support we had no longer exists. There is a breakdown in our society, and it is a direct result of being integrated into a system that didn't accept us to begin with. Desegregation means manipulation of the black community."

In Allen County, Benway and Barksdale knew that the situation was not perfect and that true integration with significant numerical representation and equality of authority was decades off, if attainable at all. But they thought the positive aspects outweighed the negatives.

"Students need to learn how to deal with the real world, the modern world, and that world is not all one race," said Barksdale, 55, a personnel executive at Navistar who was educated in integrated schools in Richmond, Indiana. "No matter what people say, when schools are one race, blacks get the bottom of the barrel. That cannot be acceptable."

Benway, 47, who grew up in a small town in Vermont and first interacted with blacks while in the National Guard, said he became devoted to racial balance after reading the studies of Johns Hopkins scholar JoMills Henry Braddock II, whose decade-long analysis of federal statistics indicated that black students attending integrated schools had a better chance of breaking down the barriers of equal employment opportunities and succeeding in maintream institutions.

One year after the Hoagland experiment began, Benway and East Allen's seven-member school board considered plans to extend racial balance to other parts of the system. Black leaders insisted that the process had to become a two-way proposition. "The day and age when black children are asked to do all the integrating is over," Barksdale said. The concept was incorporated into proposals to close two underpopulated rural high schools and a physically deteriorating predominantly black grade school, and redraw boundaries so that 10 of the district's 15 schools would have populations that would be 15 to 25 percent black.

The issue of racial balance and equity was juxtaposed against the desire of predominantly white communities to retain their local schools. The pressure on the seven-member school board to back away from change was intense. Pressure groups formed in several white communities to lobby for a five-year moratorium on boundary changes. Board members were presented with petitions signed by 5,000 parents opposed to change, and candlelight vigils were held. Some opponents said they endorsed the concept of racial balance but did not like the administration's proposal.

Steve Burris, a Methodist minister near Woodlan High School, one of those slated for closing, emerged as spokesman for the opposition. "The high school is the focus of athletic events, plays, musical events, everything is directed toward the schools. To close it would remove the soul of the town."

In an effort to find common ground between those pushing for reorganization and racial balance and those seeking to preserve old schools and ancient boundaries, the school board brought in an outside mediator. For three months, there was talk of harmony and mutual goals, but as soon as the mediation ended and the school board had to make a decision, the polarization became stronger than ever.

The climatic moment occurred on the night late last month when the board finally gathered to vote on a racial balance plan. It was a compromise proposal that would not take effect for two years, and then only based on trigger mechanisms of declining enrollment in the rural white schools and enrollment increases in the minority schools. Benway and Barksdale thought it was the best they could get. They were unsure about the vote. It appeared that three board members supported it and three were opposed. The swing vote was Steve Stieglitz, 29, a soybean farmer who graduated from one of the rural white schools slated for closing and whose family had tilled the soil here for generations.

AN AGONIZING DECISION

More than 600 East Allen County district residents filled the school board auditorium that night. A few dozen black residents sat in the front of the room. They supported the plan, as did several teachers and administrators. The rest of the audience was clearly on the other side. The day before, Benway had learned that he was the leading candidate for the superintendent's job in another Indiana city. He had decided to take it, if offered, but no one at the school board meeting knew: He didn't want his decision to affect the vote.

No one knew what Stieglitz would do, either, though he had made up his mind the day before. It was an agonizing decision. His father had urged him to vote against the change. The community pressure had taken a toll on his wife and five children. Benway could move to another city, but this was Stieglitz's home, his life. Yet the plan made sense to him. He decided to support it.

When his "aye" vote resounded through the auditorium there was a clamor. "We've got to take Stieglitz out!" a woman in the back yelled to her compatriots as the meeting adjourned at 9. School administrator Barbara Ahlersmeyer heard the remark and motion to two policemen to accompany her up to the front where Stieglitz stood, dazed. After a few black citizens shook his hand and thanked him, the young farmer found himself engulfed by the hostile crowd. "Traitor!" someone yelled. "How could you?" yelled another.

The next morning, Stieglitz said he had spent a sleepless night thinking about the conflict between his conscience and the demands of his constituents. He thought he had done the right thing, but it all seemed uncertain to him, including the role that racial fears played. "I'm really having difficulty right now dealing with these thoughts," he said. "Was the anger racist? I would prefer to think that prejudice was not involved, although I recognize that our prejudices and biases as human beings are such an interwoven and complex part of our whole thoughts that at times it is impossible to separate them out and deal with them."●

NATIONAL AVON REPRESENTATIVE DAY

● Mr. GRASSLEY. Mr. President, I rise to call your attention to the celebration by Avon Products, Inc. of National Avon Representative Day on March 19, 1990.

Over the past 104 years, Avon has grown from a company with one product and one representative to the world's leading manufacturer and distributor of cosmetics, fragrances, and fashion jewelry. Today, some 450,000 active, independent Avon sales representatives, the vast majority of whom are women, continue the direct selling method by providing personal service and quality products to consumers in their homes.

The earning opportunity Avon has provided for its representatives has resulted in personal and professional development for millions of women. Avon's success and growth is mirrored in the individual achievements of each and every one of the millions of women who are and have been Avon representatives. The Avon representative is in control of her own destiny—reaching out to family, friends, and community. Being an Avon representative has shown millions of women what they can achieve when they set their minds to it.

One Avon representative, of whom I am especially proud, is my mother-in-law, Verla Speicher, who has been selling Avon products in New Hampton, IA, for over 30 years. Mr. President, I might add, that at the age of 79, she is selling Avon products with the same vigor, enthusiasm and commitment as she did on the first day she began selling them.

I am certain that my colleagues join me in extending best wishes to each of these men and women as they are honored this day.●

EXTENSION OF THE ENERGY POLICY AND CONSERVATION ACT

● Mr. JOHNSTON. Mr. President, on March 1, the Committee on Energy and Natural Resources reported an original bill to extend authority to August 15, 1990 for titles I and II of the Energy Policy and Conservation Act. The committee submitted a report on this bill but the budget impact estimate from the Congressional Budget Office was not ready at the time of submittal. That estimate is now ready and I ask that it be printed at this point in the RECORD.

The estimate follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 5, 1990.

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 an unnumbered bill to amend the Energy Policy and Conservation Act, as ordered reported by the Senate Committee on Energy and Natural Resources, March 1, 1990. CBO estimates that the bill would not have any impact on the federal budget or on those of state and local governments.

The bill would extend spending authority for the Strategic Petroleum Reserve from April 1, 1990 to August 15, 1990. In addition, the bill would extend Presidential authority to issue orders relating to the use of domestic energy supplies from June 30, 1990 to August 15, 1990.

CBO does not estimate any budget impact for this bill because 1990 funding for the Strategic Petroleum Reserve has already been appropriated for the full fiscal year; and because we do not expect any change, as a result in the short-term extension, in the rate of outlays from 1990 appropriations.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Peter Fontaine, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.●

SIXTH COOLEY'S ANEMIA SYMPOSIUM

● Mr. D'AMATO. Mr. President, I rise today to let my colleagues know about the remarkable work of the Cooley's Anemia Foundation headquartered in New York City, and of its voluntary membership who have worked so hard to conquer the disease known as Cooley's anemia. For those unfamiliar with Cooley's anemia, it is a fatal blood disease that is passed from parent to child, frequently striking children of Mediterranean-American parents, including those of Italian and Greek descent, as well as Syrian, Israeli, and other population groups. Recently the incidence of Cooley's anemia in this country has increased, largely because of the great increase in the number of immigrants from Asia, where the disease also occurs.

The Cooley's Anemia Foundation was founded over a quarter century ago in New York City. It has had major impact on this disease and on the care of Cooley's anemia patients, not only because of its own funding support of investigators, but also because of its advocacy for research funding at the Federal level for hematologists and other researchers.

I have learned recently that during the past year, the Cooley's Anemia Foundation, Inc. has provided $280,000 to medical researchers across the country in the form of grants which have been peer reviewed by the Medical Advisory Board of the foundation. It should be noted that these grants are peer reviewed in the NIH fashion, ensuring their worthiness of funding.

In the past, I have been pleased to support the New York and New England Cooley's anemia research demonstration programs, as well as increases in research to aid not only those with Cooley's anemia, but those with other kinds of anemias as well.

Today I would like to tell you of the remarkable program that has been assembled as part of the Sixth Cooley's Anemia Symposium, to be held March 13-15, at the New York Academy of Sciences. The cosponsors of this program will be the Cooley's Anemia Foundation, Inc., the National Heart, Lung and Blood Institute of the National Institutes of Health, and the U.S. Army Medical Research and Development Command.

Some of the most outstanding hematologists and hematology researchers throughout the world will be gathered at this 3-day symposium. Outstanding leaders from the National Institutes of Health and researchers coming from all over the world will be presenting their findings in regard to Cooley's anemia. An important topic of discussion will be the possibility of new oral iron chelators—drugs taken orally which would combine with iron overloaded from the necessary frequent

transfusions and eliminate it from the body. This iron overload is a major cause of fatality with the disease.

At the same time that this meeting is being held, the Thalassemia International Federation Conference, which is celebrating the Fourth Parent and Patient Association meeting, will also have its meeting. A major guest speaker opening the program will be Dr. V. Bulyzherkov of the World Health Organization.

The Thalassemia Action Group, composed of young patients, will also be participating in this program. TAG is a network of Thalassemia patients who have joined together to develop patient support groups all over the country. TAG provides young adult patients a channel for communication and23 mutual support. In addition, the group promotes compliance with the treatment of desferal and encourages a positive attitude toward life.

Mr. President, it seems to me that when a major voluntary effort like this is made by the parents and relatives of patients to organize so strongly for research on a specific disease, such an effort should be widely recognized and applauded. It is remarkable that a small group of people, organized in New York and in chapters around the country, have been able to raise this kind of money to support ongoing research efforts, especially those of the Federal Government.●

THE AFL-CIO AND ABORTION

● Mr. HUMPHREY. Mr. President, to sanction the extermination of innocent human life for mere personal gain is to violate the most fundamental moral principle upon which our Nation is founded. In an article entitled "the AFL-CIO and abortion," which appeared in the January 17, 1990 edition of Catholic New York newspaper, Cardinal John J. O'Connor reports that the AFL-CIO is under tremendous pressure to proclaim, itself prochoice in order to gain new women members. Such a maneuver would violate every principle for which the AFL-CIO previously stood. As Cardinal O'Connor points out, the AFL-CIO, "an organization that came into being to protect the weak from the strong," now may endorse the legalized destruction of the "weakest of the weak, the unborn," Those politicians and organizations that cater to the abortion lobby elevate popular opinion polls above the sanctity of human life. I join Cardinal O'Connor in lamenting the temporary triumph of politics over principle.

The article follows:

THE AFL-CIO AND ABORTION

(By Cardinal John J. O'Connor)

I remember that Labor Day in Scranton so vividly. There was hardly a union worker present who didn't want to give me a hat. I spoke of "Guns of Lattimer," Michael Novak's book about the massacre of coal miners protesting at last the horrible treatment and the miserable pay that were typical of the day.

Not a man among the miners was armed. The sheriff's men shot them in cold blood.

As I reminisced that day in Scranton on the almost unbelievable changes that unionism had brought about, I reflected out loud on the way it used to be in the mines. Countless numbers of men died from "black lung disease." Safety measures were virtually non-existent. A cave-in could crush lives in the bowels of the earth at any time, without warning. When bodies were finally recovered, they would be dumped on a flatbed drawn by a mule from the mines, then dumped once again on the open front porch of the widow's house. No insurance. No burial payments. No tears shed by the mine owners. Another "nobody" or two had been killed. End of the story.

A few listeners to my speech that day were wearing hard hats. I remarked about what it is like for a tiny little baby in its mother's womb, totally helpless, completely vulnerable, without even a hard hat. How many more such babies are killed every hour of every day in the United States than all the men killed in Lattimer, how many more in a month than all the men ever killed in the mines.

I knew I was talking to solid union workers who were as distressed over the abortion tragedy in our nation as I was. I had grown up respecting union workers from the time I was a foot high. Anything less on my part would have been a complete betrayal of the father I loved.

But now I am heartsick to learn that a far sadder betrayal could be in the offing. I am told the AFL-CIO is under tremendous pressure to go proabortion at its February convention (under the guise of "pro-choice," of course). I am told, further, they could yield to the pressure because a "pro-choice" resolution would win them a lot of new women members. In numbers is strength, and everyone knows the unions have been weakened in a lot of ways in recent years. God help us. What a way to become "strong"—at the expense of the weakest of the weak, the defenseless unborn. Perhaps I have taken too much for granted in believing that union workers would never forget how defenseless working people themselves were before unionism.

The temptation is tremenedous, I suppose. The bigger the AFL-CIO, the more muscle it can exercise with candidates for public office. I wonder how many candidates will have the courage to admit they are "prolife" if they want to run, let us say, for Congress, or even for the presidency of the United States, if the official position of the AFL-CIO is "pro-choice."

Might we even see the sorry spectacle of union members required to permit a portion of their union dues to go into anti-life, proabortion activities?

We hear till our ears are filled from those politicians who tell us they are "personally opposed" to abortion, but "don't want to impose their morality on others." Will union workers who are "personally opposed" to abortion be nonetheless required to support it with their dues? Or might existing Supreme Court decisions be invoked to protect them, and authorize them to send their dues to a charity of their choice, such as the prolife movement? There are organizations such as the National Right to Work Committee that would be more than happy to assist such choices. I'm sure. My, oh my, what that would do to the "strength" of the AFL-CIO, if all those dues were withheld with court approval.

I can't imagine any need for such action, of course, because I can't imagine any need for the AFL-CIO to pass a "pro-choice," read "proabortion," resolution. If they should. I'm sure they would be fair enough to say: "Well, if pro-choice is really to be pro-choice, then those union members who choose life can send their dues to the prolife movement." Then the court wouldn't have to step in. Wouldn't that be nice? But why create the dilemma in the first place? It is so unlike an organization that came into being to protect the weak from the strong, the helpless from the powerful.●

LABOR PROTECTION ON THE DELAWARE & HUDSON RAILROAD

● Mr. D'AMATO. Mr. President, I rise today to comment on rail labor issues with respect to legislation, S. 2210, which I introduced with Senator MOYNIHAN to help preserve the ailing Delaware & Hudson Railroad. In the House, the companion bill, H.R. 4139, was introduced by Congressman LENT and a bipartisan group of New York and Pennsylvania Members.

Since our joint introduction of the competitive Northeast Rail Freight Service Act on February 28, questions have been raised concerning the absence of explicit language providing for labor protection powers to be exercised by the Interstate Commerce Commission, in the event that the ICC must determine the terms and conditions of trackage rights for the Delaware & Hudson Railroad over Conrail's line into Hagerstown, MD, from Harrisburg, PA. The fear has been expressed that the agency or the courts might interpret the absence of such language as a prohibition on any ICC action to provide protection for displaced employees.

Tying the hands of the ICC was not our intention. This legislation is not intended to affect the normal labor-management balance in the railroad industry one way or another; neither is it intended to reduce or enlarge the ICC's usual powers to order labor protection in terminal-rights cases. To confirm this intent, and to make certain that unwarranted inferences are not drawn from the bill's original language, we intend to offer a clarifying amendment on this point when the bill is considered. Meanwhile, we will redouble our efforts to see that the vitally needed Hagerstown trackage rights are made available to the D&H, preferably by good-faith private-sector negotiation, but by ICC action if need be.

Mr. President, I believe my remarks today should help assure rail labor that this legislation will not adversely affect the status of labor-management agreements.●

EXECUTIVE SESSION

Executive Calendar

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Order Nos. 632, 633, 634.

I further ask unanimous consent that the nominees be confirmed en bloc and that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table en bloc, that the President be immediately notified of the Senate's action and that the Senate return to legislative session.

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

Mr. BAUCUS. Mr. President, I note for the RECORD that Arthur J. Hill, Calendar 634, indicated his commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

The nominations considered and confirmed en bloc are as follows:

NATIONAL CONSUMER COOPERATIVE BANK

Frank B. Sollars, of Ohio, to be a member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

DEPARTMENT OF THE TREASURY

Carol Mayer Marshall, of California, to be Superintendent of the Mint of the United States of San Francisco, CA

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Arthur J. Hill, of Florida, to be President, Government National Mortgage Association.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

HARRIET TUBMAN DAY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 257, a joint resolution designating March 10, 1990, as Harriet Tubman Day, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 257) to designate March 10, 1990 as "Harriet Tubman Day."

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

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

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 257

Whereas Harriet Ross Tubman was born into slavery in Bucktown, Maryland, in or around the year 1820;

Whereas she escaped slavery in 1849 and became a "conductor" on the Underground Railroad;

Whereas she undertook a reported nineteen trips as a conductor, endeavoring despite great hardship and great danger to lead hundreds of slaves to freedom;

Whereas Harriet Tubman became an eloquent and effective speaker on behalf of the movement to abolish slavery;

Whereas she served in the Civil War as a soldier, spy, nurse, scout, and cook, and as a leader in working with newly freed slaves;

Whereas after the War, she continued to fight for human dignity, human rights, opportunity, and justice; and

Whereas Harriet Tubman—whose courageous and dedicated pursuit of the promise of American ideals and common principles of humanity continues to serve and inspire all people who cherish freedom—died at her home in Auburn, New York, on March 10, 1913: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 10, 1990 be designated as "Harriet Tubman Day," to be observed by the people of the United States with appropriate ceremonies and activities.

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

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

The motion to lay on the table was agreed to.

ORDER TO HAVE S. 1430 PRINTED AS PASSED

Mr. BAUCUS. Mr. President, I ask unanimous consent that S. 1430, as passed in the Senate, be printed.

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

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

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

AUTHORIZATION FOR THE APPOINTMENT OF A COMMITTEE OF ESCORT

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Chair be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Giulio Andreotti, President of the Council of Ministers of the Italian Republic, into the House Chamber for the joint meeting tomorrow.

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

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

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

ORDERS FOR WEDNESDAY

RECESS UNTIL 9 A.M.; MORNING BUSINESS; RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BAUCUS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Wednesday, March 7, that following the time for the two leaders, there be a period for morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein for up to 5 minutes each. I further ask unanimous consent that on Wednesday at 10:40 a.m., the Senate stand in recess subject to the call of the Chair.

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

PROGRAM

Mr. BAUCUS. Mr. President, on tomorrow the Senate will resume consideration of the clean air bill at 9:30 a.m., with debate continuing until 10:40, when the Senate will recess so that Members of this body can join with House Members in a joint meeting to hear an address by Prime Minister Andreotti of Italy. I would like to indicate to Members that consideration of the clean air bill will resume around 12 noon tomorrow.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BAUCUS. Mr. President, if the distinguished acting Republican leader has no further business, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 9 a.m., Wednesday, March 7.

There being no objection, the Senate, at 7:12 p.m., recessed until Wednesday, March 7, 1990, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 6, 1990:

THE JUDICIARY

SAMUEL GRAYSON WILSON, OF VIRGINIA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA VICE GLEN M. WILLIAMS, RETIRED.

D. BROCK HORNBY, OF MAINE, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MAINE VICE CONRAD K. CYR, ELEVATED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

LYNNE VINCENT CHENEY, OF WYOMING, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR A TERM OF 4 YEARS. (REAPPOINTMENT)

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL AND APPOINTMENT AS CHIEF OF NAVAL RESEARCH UNDER TITLE 10, UNITED STATES CODE, SECTIONS 5021 AND 5133:

To be rear admiral

REAR ADM. (LOWER HALF) WILLIAM C. MILLER, U.S. NAVY, xxx-xx-xxxx/1210.

CONFIRMATION

Executive nomination confirmed by the Senate March 6, 1990:

NATIONAL CONSUMER COOPERATIVE BANK

FRANK B. SOLLARS, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF 3 YEARS.

DEPARTMENT OF THE TREASURY

CAROL MAYER MARSHALL, OF CALIFORNIA, TO BE SUPERINTENDENT OF THE MINT OF THE UNITED STATES AT SAN FRANCISCO, CALIFORNIA.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ARTHUR J. HILL, OF FLORIDA, TO BE PRESIDENT, GOVERNMENT NATIONAL MORTGAGE ASSOCIATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

CLARENCE THOMAS, OF VIRGINIA, TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT.