SENATE—*Wednesday, April 25, 1990*

(Legislative day of Wednesday, April 18, 1990)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

PRAYER

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

Let us pray:

The light of the body is the eye: if therefore thine eye be single, thy whole body shall be full of light. But if thine eye be evil, thy whole body shall be full of darkness. If therefore the light that is in thee be darkness, how great is that darkness.—Matthew 6:22, 23.

Eternal God who gives life and light to the world, forgive us for shallow optimism which refuses to see reality. May the wisdom of Jesus, "The light of the body is the eye * * *," and the familiar word, "There is no one so blind as he who will not see," cause us to acknowledge the critical condition so manifest around us. It is almost as if our pragmatic solutions feed the problems. Increasing poverty despite the war on poverty; alarming increase in crime with courts and prisons utterly inadequate; divorce, homelessness, hunger, alcoholism, drugs, suicide increasing epidemically, refusing to yield to political remedies.

Help us to see, Lord, that the heart of the dilemma is spiritual. Help us to think vertically as well as horizontally. Lord God, help our unbelief. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 25, 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 I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished majority leader is recognized.

THE JOURNAL

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

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

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time reserved for the two leaders, there will be a period for morning business not to extend beyond 12 noon, with Senators permitted to speak therein for up to 5 minutes each.

From 12 noon until 2 p.m. today, the Senate will be recessed for a Democratic Conference luncheon.

I hope to obtain consent prior to noon to proceed to the supplemental appropriations bill at 2 p.m. when the Senate reconvenes following the recess. That bill was reported yesterday by the Appropriations Committee.

Once we have begun consideration of the bill, should any amendments be offered today which will require rollcall votes, those votes will be stacked to occur tomorrow to accommodate the nine Senators who are part of the official United States delegation to the inauguration of Mrs. Chamorro as President of Nicaragua today.

Senator DOLE consulted with the White House yesterday and they indicated their approval of that participation, and therefore we will not be able to complete action on the supplemental appropriations bill today. But it is my hope that we will be able to complete action on that bill on tomorrow.

So, Mr. President, there will be no rollcall votes today. But I hope we will be able to consider and debate the supplemental appropriations bill beginning at 2 p.m.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the leader 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 12 noon, with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. ROTH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Delaware [Mr. ROTH].

LIGHTER, LEANER, AND MORE MOBILE: MATCHING THE DEFENSE BUDGET AND THE REAL WORLD

Mr. ROTH. Mr. President, for the past 40 years the citizens of the United States have been taxed to provide for the common defense. By consensus, during this period, we have tied our military strategy to the doctrine of containment, regarding the Soviet military and its allies, the Warsaw Pact, as a strong, homogeneous, aggressive enemy poised to strike the defensive forces of the North Atlantic Treaty Organization. It was assumed that the next world war, if it ever came, would begin with an attack by the Warsaw Pact's armored columns into West Germany, causing a face-to-face meeting of the most sophisticated weapons in the arsenals of the two super powers. This scenario drove our strategy, dictated our force structure and defined the design of almost every new weapon system acquired by the Department of Defense during the last 40 years.

Our strategy has proved both effective and expensive. The Warsaw Pact, in reality, no longer exists. In light of such dramatic political and military change, our strategy should now change. Even though we are faced by other threats, throughout the world, the changes we can now make in our defense forces will result in a lighter, leaner and more mobile defense force. This means that we can cut divisions, carrier battlegroups, and air wings. Such restructuring will produce substantial savings over the next decade.

We in the Senate have a duty and a responsibility to help define the new doctrines and strategies. We also have a duty and responsibility to assure

that all possible savings are achieved. This is going to be a painful process but if we can complete this exercise properly, we will have earned our keep. Putting off the debate is not going to make it any easier and every day we delay, costs increase and positions harden. So let us begin to prioritize, not parochialize, the defense strategy, budget, and programs.

The Soviet Union seems to be contracting rather than expanding and, according to the Director of Central Intelligence, "* * * will be preoccupied with domestic problems for years to come." He also said that "* * * [W]e can expect a continued diminution—but not elimination—of Soviet threats to United States interest [from conventional forces]." With respect to strategic forces, the Director of Central Intelligence asserted that while numbers seemed to be decreasing, quality of the strategic forces was being increased.

THE PROBLEM DEFINED

Mr. President, on March 22 the distinguished Senator from Georgia [Mr. NUNN] outlined for the Senate what his Armed Services Committee had learned since the first of the year concerning the Defense Department's fiscal year 1991 budget request. He pointed to what he called "blanks" in the administration's request. These blanks are the "unknowns" with respect to the threat, the strategy, force structure, the overall budget, and individual programs which arise from the changed world. Since that date, Senator NUNN has made a series of speeches which provide his views of the blanks in the administration's proposals.

I want to congratulate the Senator on his scholorship and oratory. He has provided for all of us a much better understanding of the changing world and what that means in terms of threat. I have studied his statements with care and find very much with which I agree. While I agree with his basic facts, I do come to some different conclusions as to where reductions and economies should be made.

The budget for the Department of Defense must consider the world as it is today. We must make the Department of Defense budget, our defense strategy and our defense procurements match the real world. Just as the world has changed dramatically, the DOD budget must change dramatically. The Congress must seize this opportunity.

APPROPRIATE GOALS FOR THE CONGRESS

Adjusting to the major changes in the threat to our interest requires time. We are a great ship of state and we need to allow sufficient time to make a change in direction. Failure to allow sufficient time results in high expectations that cannot be met, forces unwise decisions, decreases the morale of those who defend us, and could commit us to changes that would be difficult to reverse if the world situation were to change. However, as I stated earlier, we must not put off decisions which must be made today.

With these objectives and limitations in mind, I propose the following goal:

As soon as possible the United States should begin to restructure its military forces to reflect the decreased likelihood of direct confrontation between the super powers and the decreased likelihood of involvement in a high intensity conflict in Europe.

Our current military strategy, which played an important role in our doctrine of containment, was adopted in the early 1950's but it was not easy to reach consensus and did not occur overnight. Looking back now, we can say that the right doctrine and strategy were reached and that they were effective.

Now we need a new definition of the threat in order to determine our new strategy and the equipment we will need to procure in order to carry out that strategy. Even though the tasks of laying out the new threat definition and new strategy have not been completed, I think we have enough information to agree that the major threat we must prepare to face probably will not be a mass attack by Soviet Union and Warsaw Pact armored columns against NATO positions in Eastern Europe. It is much more likely that the scenario of concern will involve low-intensity combat or naval confrontations with a variety of potential agressors rather than this high-intensity threat. Because the nature of the past high-intensity threat determined the size and structure of our forces, I believe that this change permits a large reduction in active forces and the luxury of a partial dependence on Reserves and National Guard particularly for heavy land warfare.

Cutting active divisions, air wings and carrier groups will provide the greatest payoff in reduced obligational authority and outlays. Along with this change comes savings from base closures and reduced operation and maintenance costs. I truly believe that when we are able to reach agreement on a new strategy we will be able to reduce new budget authority for the Department of Defense substantially more than 2.6 percent. Additionally, I believe that we can do best by examining the threat, strategy, and weapons programs on a case-by-case basis, eliminating those programs and costs that are based on the European battlefield and shifting our resources to meet the threat of the 1990's and beyond.

SUGGESTED PROGRAM CHANGES

As I pointed out, while we do not have complete information, we have enough information to begin to identify programs that were designed to overcome a threat that has been greatly diminished. While the information on new programs that may be needed is not as clear, I do not think for 1 minute that the only thing we need to do to meet the changed threat is simply cut out unneeded programs. There will be unmet needs that will require new programs or redirection of existing programs.

Despite the absence of some information—or, in the words of Senator NUNN, the presence of "blanks" in the administration budget proposal, I would now like to suggest some changes as a starting place for debate and for meeting the goals I propose.

STRATEGIC FORCES

Director of Central Intelligence Webster stated that "the bulk of the evidence about Soviet strategic forces and programs show a vigorous, broad-based modernization effort that is improving their overall strategic capabilities." He added that "the Soviets continue to modernize all elements of their strategic defense forces. Because of this assessment I think that our strategic programs should move at a pace roughly equivalent to the Soviet program.

CONVENTIONAL FORCES

The changed threat provides us with two great opportunities.

An opportunity to reduce the size of our conventional forces.

An opportunity to slow down or even to skip one generation of modernization while we wait to discover the true nature and depth of the change.

The Army's plans contained in the administration's defense proposal do not reflect substantial change in force structure. The Army currently has 18 active duty divisions. I see no reason why the Army cannot cut 4 active duty divisions during the next 5 years with an ultimate goal of 10 active duty divisions by the year 2000. In cutting divisions, the Army should consider the decreased need for heavy land warfare and protect the lighter more mobile divisions. Additionally, Army's Heavy Forward Air Defense Systems, which are designed for the European theater of operations, should not progress beyond research and development. There are a number of other unnecessary Army weapons designed to attack the second echelon of Soviet forces in Europe even though that threat is disappearing.

The Navy asserts that its force structure was not based in Europe and, therefore, it sees no reason to change based on a change in Eastern Europe. However, much of the Navy mission was directed at protecting and insuring the resupply of United States forces during a lengthy war in Europe while simultaneously preparing to penetrate Soviet waters with carrier task forces. While the possible need

for transoceanic resupply remains, reductions are possible in the 14 carrier groups now authorized. I believe that a reduction to 10 carrier groups within a reasonable period of time is possible. However, it should be noted that skipping a generation of modernization will, in its turn require the updating and upgrading of existing aircraft.

The Air Force has many ambitious plans based on the European scenarios. These include the follow-on to the F-15 air superiority fighter, the C-17 and various missiles and electronic gear. All of these systems should be reevaluated with an eye toward elimination. Additionally, the number of air wings during the next 10 years could be reduced from 24.

OVERSEAS FORCES

The suggested force structure changes could be accomplished both at home and overseas. I would like to see us begin to negotiate a reduction of troops in Europe. I believe that these negotiations could lead to an agreement to keep about 100,000 troops in Europe.

CONCLUSION

This is the beginning of the debate about the 1991 Defense authorization bill and the even longer process of deciding what the U.S. Defense Establishment will look like in the year 2000. The goal I have proposed and the suggestions I have made are a good place to start.

While I believe that there are programs that should be cut, I am most interested in cutting the production programs rather than the research and development efforts which contribute to our industrial base. In this regard, there are programs such as the B-2 and such as fiber optics missile systems, where research and development should continue through operational testing to determine the full range of the capabilities and performances of the platform.

The world has changed dramatically. What I am suggesting is a change in our defense structure that is equally as dramatic and is truly responsive to the change in the world. At the same time, I recognize that as new threats are defined and strategy developed to protect our interests from these threats, new weapons systems may be required. Responding to the changes in the world is not just cutting defense programs but rather, it is defining the changed threat, adopting a strategy to meet the threat and then selecting the force structure and weapons necessary to protect our worldwide interest. Hopefully we will thereby receive, over time, the much desired peace dividend.

Mr. President, it is important that the debate begin to lead to a consensus about our defense strategy and the men and equipment needed to carry out that strategy. Undoubtedly, with world events in such a period of rapid change, there should be a continuing need for reevaluating the world threat and U.S. strategy. Hopefully, world events will enable the United States as well as other nations to continue to reduce significantly the resources allocated to defense needs. In the meantime, I believe the program I have outlined establishes a sound starting point.

I yield back the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Iowa [Mr. GRASSLEY].

DEFENSE EXPENDITURES

Mr. GRASSLEY. Mr. President, the Senate Budget Committee, of which I am a member, is presently debating the level of defense expenditures for the coming fiscal year. I would like to discuss some of the issues that pertain to that debate.

Irrespective of the number decided on by Congress for the defense budget, we must be aware of the pitfalls associated with a build-down of our national defense. No matter how much we spend, if we do not spend it effectively, we still risk a return to the hollow army syndrome of the 1970's. The points I raise in this discussion and in the days ahead are intended to address how we avoid a hollow army in the face of the build-down, and how we maximize our capability despite shrinking resources.

The two central questions are: First, how do we determine the defense budget; and second, how do we spend the money. These are the two fundamental questions—planning and execution—that will ultimately determine whether or not we get the biggest bang for the buck as we build-down our national defense. Indeed, it was the disconnect between plans and execution that characterized the defense management failures of the 1980's, when we got marginal capability gains at much greater cost.

What is important to realize is that the disconnect between plans and execution still exists within DOD because the management reforms encouraged by the Secretary of Defense are slow to take hold. If reforms fail to take hold and the disconnect were to remain, then the cuts we will make in the Budget Committee or on the floor of this body will most assuredly keep us on the path toward a hollow army, especially if the cuts are deep.

Allow me, Mr. President, to characterize this disconnect between plans and execution. I have likened it to a paradox. At the planning level, there is too little money to buy everything we have in the 5-year defense plan. This is known as underfunding. At the execution level, there is too much money available to manage programs efficiently. The excess money contributes to cost, schedule, and performance problems such as we have seen recently with AMRAAM, the FOG-M, and the C-17.

The disconnect comes into play when the planners fail to take into account the impact of cost, schedule, and performance problems. Instead, we plan for the most optimistic cost, schedule, and performance. That way we can squeeze everything into the budget, even though there is no room. I have often called this phenomenon a "blivet," which is 5 pounds of manure in a 4-pound sack. Over time, the impact of "bliveting" is to hollow out the army at great expense.

To avoid expensive weakness in the 1990's, we have to reform the process by which objectives are established, plans are made, programs receive resources, and the budget is executed. This requires linkage between the various organizational elements under a new defense management structure. Secretary Cheney has laid out a framework for accomplishing this. It is contained in the Defense Management Review which was published last summer. It is not complete, but it is indeed a solid first step. It is not being implemented fast enough, but perhaps it will be if we in Congress provide encouragement and support, and, of course, if we light the proverbial fire under the feet of recalcitrant bureaucrats.

Tomorrow, I will outline a strategy for effectively managing the build-down, and an organizational structure that provides the necessary linkage between the various elements.

In closing, Mr. President, I would like to make one comment. There are some who mistakenly believe there is no connection between the Secretary's Defense Management Review and the budget process itself. They would divorce the issues of strategy, planning, programming, and resource allocation from the so-called management reforms of the DMR. Let me just correct that misconception. Management reform of DOD begins with reform of the defense budget process. It is what drives the other reforms, it is what provides the opportunity for accomplishing the reforms, and without it reforms will not work. If that were not the case, why would planning reform be so prominent in the DMR? It is the very first activity addressed in the DMR as needing reform. I refer my colleagues to pages 5 and 6 of the DMR. It is addressed before acquisition, before Government-industry relationship, before congressional actions, and before the acquisition work force. This year, reform of the defense planning, programming, and budgeting process fell apart. And with it, successful implementation of badly needed reforms has been put in abeyance. That means, management of our defense resources is still governed by the same process that gave us marginal

gains in capability at much greater cost during the last decade. During a defense build-down, that can have a devastating impact on our national security. So while business as ususal prevails at the Pentagon, an expensive meter continues to run.

I will have more to say on these matters tomorrow and in the weeks ahead, Mr. President.

In the meantime, I hope that my colleagues would take a look at something I have disseminated to all of my colleagues, my critique of the DMR called The Defense Management Challenge, Recommendations for Managing the Defense Resources in 1990, because there are some recommendations in there, and some shortcomings of the present DMR, that people have to take into consideration.

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

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

Mr. ARMSTRONG. Mr. President, it is my understanding that we are in morning business and that Senators may speak for up to 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. ARMSTRONG. I ask unanimous consent that I be permitted to speak beyond 5 minutes, if I need to do so.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Colorado is now recognized.

SITUATION IN LITHUANIA

Mr. ARMSTRONG. Mr. President, there is a disturbing report in today's paper that the President has declined to take any actions with respect to the situation in Lithuania. The headline is, "Bush Declines to Set Lithuanian Sanctions."

The President is reported to believe that to do so would be a mistake and that in some way, by indicating in a concrete way the concerns of the American people, by levying some kind of sanctions or in some way putting pressure on Mr. Gorbachev and on the Soviet Union, that we would endanger the freedom of other Baltic nations or the nations of Eastern Europe.

There is also on the front page of this morning's paper a picture and report from the President of Lithuania, Mr. Landsbergis: "This is Munich."

Mr. President, I believe Mr. Landsbergis is right. I say so reluctantly, but I believe it will be the conclusion of thoughtful people around this country and the world that we are selling out the Lithuanians.

I hope every Senator will take the time to read this article in detail because it is disturbing not only for its conclusions but for the reasons that are cited for the failure of the United States to take some kind of specific concrete actions, something that would be more than just words to say that we stand solidly behind the efforts of the Lithuanian people to achieve the independence which they have been wrongfully denied for more than 40 years—50 years, in fact. One of the reasons cited is that Lithuania is a small country; it is a country that has little strategic value.

Mr. President, if we are going to start measuring our commitment to freedom by somebody's conception of strategic value or somebody's idea, an unnamed somebody in today's account of this in the Washington Post, that a country is too small for us to care about the freedom of the people involved, then something very precious is being lost in the process.

Mr. Eisenhower once said that freedom is—I cannot quote it exactly, but he made the point that freedom is more than something that is written in the dusty pages of history. It is an ideal that lives in the hearts of human beings and must be refreshed in their lives everyday; that it is like a cut flower; that if it is not refreshed everyday, it dies a little everyday.

What is happening here is that the freedom of Lithuania is dying a little today, and I regret to say the freedom of our own country as well. If we turn our back on what is happening in that troubled nation, we are not being faithful to our own ideals.

Mr. President, I want to read briefly the comments of the President of Lithuania who, I think, has standing to speak to us with great eloquence, as have others who have suffered under the yoke of oppression.

Lithuanian President Vytautas Landsbergis said today that President Bush's decision to defer any sanctions against Moscow in the Soviet secession crisis amounts to a political "Munich," a reference to the attempt by Britain and France to appease Nazi Germany in 1938 at the expense of Czechoslovakia.

"We feared that America might sell us. Let people decide whether that has happened," Landsbergis said. "I don't understand whether it is possible to sell the freedom of one group of people for the freedom of another. If that is so, then of what value is the idea of freedom itself? . . . This is Munich."

Ever since Lithuania declared independence from the Soviet Union on March 11, Landsbergis has been searching for stronger backing from the United States and other Western nations. Lithuanian leaders had expected the United States to take some economic measures against Moscow today, but the Bush administration has been reluctant even to sharpen its rhetoric in support of the breakaway republic, much less impose sanctions, for fear of harming relations with Soviet President Mikhail Gorbachev.

Mr. President, I ask unanimous consent that the entire text of the article and an article which appears on the same page outlining the point of view of the administration, be printed in the RECORD.

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

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

[From the Washington Post, Apr. 25, 1990]

BUSH DECLINES TO SET LITHUANIA SANCTIONS: "THIS IS MUNICH," LANDSBERGIS SAYS

(By David Remnick)

Moscow, April 24.—Lithuanian President Vytautas Landbergis said today that President Bush's decision to defer any sanctions against Moscow in the Soviet secession crisis amounts to a political "Munich," a reference to the attempt by Britain and France to appease Nazi Germany in 1938 at the expense of Czechoslovakia.

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Ever since Lithuania declared independence from the Soviet Union on March 11, Landsbergis has been searching for stronger backing from the United States and other Western nations. Lithuanian leaders had expected the United States to take some economic measures against Moscow today, but the Bush administration has been reluctant even to sharpen its rhetoric in support of the breakaway republic, much less impose sanctions, for fear of harming relations with Soviet President Mikhail Gorbachev.

The Kremlin, for its part, will continue to exert economic and political pressure on Lithuania whether or not Washington or other Western governments decide to levy any sanctions, a high-ranking Soviet official said today.

The level of tension between Moscow and Vilnius, the Lithuanian capital, shows no signs of abating. KGB Lt. Anatoli Parakhin said in an official statement that border patrols around Lithuania have been increased and surveillance has been stepped up to watch over "possible contacts between Soviet vessels and foreign boats in territorial waters and within the Soviet economic zone to avert the transfer of weapons and ammunition to Lithuania."

Lithuanian officials have denied trying to get weapons from abroad and have said that the only use of force in its confrontation with Moscow has been by the Soviet army.

Tonight, the Soviet news agency Tass reported that a shot was fired Monday night at an open window of a Soviet army barracks in Vilnius. The report said that no one was injured but that ballistics experts believe a combat weapon was used.

Asked in an interview how the Soviet Union would react if the United States were to rescind promises of trade agreements or other future economic benefits, Gorbachev's spokesman, Arkady Maslennikov, said: "We'd be sorry, but only sorry. It wouldn't

change our course in relation to Lithuania. This is a matter of the Soviet Constitution."

A Foreign Ministry spokesman, Vadim Perfilyev, said that any U.S. sanctions would provide Lithuania with "false hopes and have negative consequences" on the international scene.

Maslennikov added that so far he did not think the secession crisis—and Moscow and Washington's disagreement on how to resolve it—would endanger the Bush-Gorbachev summit scheduled to begin May 30 in Washington. He said the Kremlin understands that Bush is under pressure from some members of Congress to take firmer action against Moscow but added, "We hope sober counsel will continue in the U.S. administration."

Maslennikov said that the Lithuanians had "brought the crisis on themselves" and that their leaders, especially Landsbergis and Prime Minister Kazimiera Prunskiene, were "acting like children who want their candy right away."

"We are not denying Lithuania the right to independence," Maslennikov said, "If they want to be independent, fine. But they have to go through the procedures of the Soviet Constitution." He added that the Kremlin was not demanding, as a starting point for negotiations, that Vilnius rescind its March 11 declaration of indpendence, but that it must "at least" declare a freeze on all laws passed by its parliament since then.

The Lithuanians have not agreed to such a freeze, and a five-member delegation from Vilnius led by Vice President Bronius Kuzmickas continued today to search without success for an audience in Moscow with high-ranking Kremlin officials.

Like many other Soviet officials in recent weeks, Maslennikov repeatedly referred to hypothetical American analogies. "What if Alaska decided it wanted to be on its own?" he said, "Could it just walk away, or would it have to follow the procedures of the U.S. Constitution?"

Since the Soviets imposed an embargo on shipments of crude oil and other materials to Lithuania last week, most people in Vilnius have cut down on the use of private cars and are taking public transport. At the same time, more than 6,000 bus routes have been cut from normal schedules for lack of fuel.

The republic also has begun a strict gasoline rationing program, and the government has urged a minimal use of energy supplies, but electricity and heat in private homes and public buildings are still working normally, sources in Vilnius said.

More than 7,500 workers have been put out of their jobs since the embargo began, a Lithuanian spokesman said. Lithuania's legislature set up an "anti-blockade commission" led by Prunskiene today to plan measures to ease the effects of Moscow's cutoff of oil, most natural gas, medicines and other goods.

Prunskiene is considering selling some of Lithuania's gold reserves in an attempt to buy oil abroad. The republic has about $25 million in gold that it transferred to France before World War II as a precaution, and the Bank of France said last month that it would return the gold to Lithuania if the French government recognizes the republic's independence. Lithuania, however, needs about $55 million worth of oil a month to run the republic.

BUSH REJECTS SANCTIONS OVER LITHUANIA: PUNISHING MOSCOW WOULD BE "MISTAKE"

(By Ann Devroy and Don Oberdorfer)

President Bush yesterday decided not to retaliate against the Soviet Union or risk crackdown against Lithuania, saying that sanctions against Moscow could undermine "freedom around the world."

Bush emerged from an hour-long discussion with congressional leaders to offer a lengthy, emotional explanation for his reluctance to penalize the Soviets, at least for now. Quoting baseball philosopher Yogi Berra, Bush said, "I don't want to make the wrong mistake."

Saying he had put off a decision on whether to impose any sanctions, the president said: "I'm concerned about the evolution of freedom in the other Baltic states whose incorporation we haven't recognized and I'm concerned that we not inadvertently do something that compels the Soviet Union to take action that would set back the whole case of freedom around the world."

With the Soviet political and economic systems under great strain and President Mikhail Gorbachev scheduled to arrive in this country for a summit meeting just five weeks from today, Bush said this is "a very complex time" in which to make a decision about the U.S. sanctions he had promised to consider. Last Tuesday, Bush said he would consider "appropriate responses" if the Soviets cut oil and gas supplies to Lithuania, which they subsequently did. Last Wednesday, Secretary of State James A. Baker III said the Soviets were putting bilateral economic contacts "at risk" by pressuring Lithuania. On Friday, the White House said sanctions against Moscow would be announced after consultations with the allies and Congress.

But yesterday Bush and other administration officials indicated that they were not prepared to put Lithuanina independence ahead of other policy objectives they consider more important, nor to create false hopes in Lithuania that U.S. backing can win concessions from Moscow. "You have got to look at the real options," Bush said, adding: "I am old enough to remember Hungary in 1956, where we exhorted people to go to the barricades and a lot of people are left out there all alone" when the Soviet tanks suppressed the Hungarian revolution.

White House press secretary Marlin Fitzwater said that after consulting its allies, the administration concluded that it had no support for retaliatory moves, even the relatively mild bilateral economic options that were on the table. Over the weekend, European foreign ministers expressed concern about events in Lithuania, but declined to take any action.

In his public remarks yesterday Bush indicated that he saw the Lithuanian problem in a long-term context. "I'd like to see the progress in the Soviet Union go forward without having some elements that are opposing Gorbachev on all of this crack down and set the clock back to a day we all remember of Cold War mentality and confrontation," he said.

One official said Bush had spoken privately of the Lithuanian crisis in terms of the way it might look decades from now. "He said 'I don't want people to look back 20 or 40 years from now and say, that's where everything went off track. That's when progress stopped,' " the official quoted Bush as saying.

Another senior official noted that there was "virtually no pressure" to impose sanctions from Congress, the American public or the press. Yesterday, Democratic leaders of both houses issued statements supporting Bush, and what criticism there was in Congress was mild.

The reluctance to penalize the Soviets reflects a widespread though mostly unspoken sense in the administration that the Lithuanians have pressed their case for independence too quickly and too radically and been too unwilling to compromise, officials said. Bush alluded to that perception yesterday when he called for "both sides" to begin negotiations. Gorbachev, he said, "has indicated a willingness to do this. The Lithuanians have indicated some willingness to do this."

A senior official at the White House and another at the State Department yesterday noted Lithuania's small population, relative unimportance strategically and the fact that the economic sanctions Moscow has imposed in an effort to pressure the Lithuanians has been less than devastating. Said one official, "No one is starving. The Soviets made a point of that."

When the administration's senior officials met Monday night without aides present to discuss the situation, a number of lower-ranking officials predicted that some form of sanctions against Moscow were imminent. The National Security Council did consider postponing talks on a series of economic concessions that Moscow ardently seeks. Negotiations on several of those matters resumed yesterday in Paris.

Bush and his senior aides left the impression that if conditions worsen in Lithuania, sanctions might still be imposed. That door was left open, an official said, "so the Soviets understand that no sanctions today doesn't mean no sanctions ever."

Bush expressed hope that a Lithuanian delegation now in Moscow for talks with Soviet officials could produce an end to the stalemate over the process and pace of Lithuania's drive for independence. Such talks, Bush said, have "a great deal of potential for the freedom that we seek for the Lithuanians, and yet have it done in a way that is not egregious to the Soviet Union. . . . Therein lies the answer."

Bush himself ruled out major retaliatory moves, saying any steps he might take "are apt to be on the economic side." Fitzwater said the administration had ruled out any military response, any slowdown in the arms control negotiation process and any effect on U.S.-Soviet grain agreements.

Administration officials denied that conversations between Baker and Soviet Foreign Minister Eduard Shevardnadze on Lithuania over the past week had produced any specific pledges on Soviet actions or an affirmative decision to grant the Soviets a reprieve. Baker is expected to see Shevardnadze again in Berlin Friday of next week as the two ministers prepare for big-power discussions on the future of Germany. Officials did not rule out a new series of direct contacts between the two ministers on the Lithuanian situation even before then.

Over objections from Baker, the Senate Appropriations Committee yesterday included in an emergency omnibus spending bill $10 million to buy and staff an embassy in Lithuania if the United States formally recognizes the country as an independent state.

Fitzwater said Bush had not answered a letter from Lithuanian President Vytautas Landsbergis not had he or other members of the government had any direct contact with Lithuanian officials. Fitzwater said contacts have remained through "private parties."

Fitzwater said in the session Bush had with congressional leaders, only two of them, Rep. Dante B. Fascell (D-Fla.) and Sen. Jesse Helms (R-N.C.), suggested the president take new steps in the crisis. Fascell said he has suggested delaying the summit until the Lithuanian situation became clearer "perhaps in the fall," and Helms suggested Bush formally recognize Lithuania and exchange ambassadors.

Senate Majority Leader George J. Mitchell (D-Maine) said he agreed with the president's position "so far" but urged some immediate steps toward trade sanctions against the Soviets. House Speaker Thomas S. Foley (D-Wash.) also issued a statement of general support.

Both Mitchell and Senate Minority Leader Robert J. Dole (R-Kan.) said Bush emphasized when he met with them yesterday that he had not made any decisions. Dole said he told the senators that he "wanted to weigh ideas that were suggested" at the meeting for possible future action. "I think he just wants to be very careful," Dole told reporters after the meeting.

Sen. Robert C. Byrd (D-W.Va.), chairman of the Senate Appropriations Committee, said in a speech yesterday that he would "oppose extending new economic benefits and rewards to the Soviet leadership at the same time it is starving Lithuanians of food and fuel." Specifically, he said, it would be wrong to extend most-favored-nation trade status to the Soviets or "endorse any new trade agreement with the Soviets while Lithuania is denied its rightful status."

Mr. ARMSTRONG. I thank the Chair. Without elaborating too much on the detail of it, I have a brief chronology of the events of the last several weeks. This has been prepared by, I believe, the Los Angeles Times. It is not an attempt to be exhaustive but just to put in perspective what is going on, because day by day the pressure and the intensity of the force being used by the Soviet Union against the people of Lithuania has escalated.

It is not as if they sent in all the tanks and paratroopers the first day. They have not done that. They have been much more subtle. As a consequence, day by day, people in this country and elsewhere said, if they even cross a certain threshold of violence and oppression, then we will act.

It is more like the salami tactic of taking another slice, and another slice, and slicing it thinner and thinner, but the ultimate effect is the same.

March 11: Lithuania declares independence. Parliament elects Vytauta Landsbergis president, the first non-Communist leader in Soviet history.

March 15: Soviet Parliament dismisses secession move as "illegal and invalid."

March 21: Soviet President Mikhail S. Gorbachev orders Lithuanians to surrender weapons, toughens visa controls and border checks.

March 22: The Kremlin sends a squad of prosecutors to Lithuania to enforce Soviet law in the restive republic.

March 23: Soviet order diplomats out of Lithuania and bar journalists from entering.

March 27: Soviet paratroopers raid psychiatric hospital to capture Lithuanian deserters from Red army.

March 29: Lithuanian leaders attempt to appease Soviets by urging citizens to turn over weapons and suspending plan to establish own border controls. Kremlin, meanwhile, offers amnesty to Lithuanian deserters.

April 1: Soviet tanks roll through Vilnius in show of military force.

April 3: Soviet legislature adopts tough new secession rules and grants Gorbachev sweeping powers to declare states of emergency.

April 13: Gorbachev gives Lithuania 2 days to rescind independence declaration or face cutoff of energy supplies.

April 16: Lithuania defies Soviet ultimatum. Legislature meets in special session to draft survival plan.

April 17: Lithuanian leaders report beginning of Soviet oil and natural gas cutbacks.

I have no idea of what the report will be tomorrow, but today all over the world people will be asking, where does the United States stand? Do we stand with the people of Lithuania, whom we have assured over and over again we support—the people of Lithuania who have read or heard about the resolutions adopted by this Congress on dozens of occasions where we have condemned the illegal and violent annexation of Lithuania, Estonia, and Latvia into the Soviet Union.

I do understand that this is a complicated matter, and that is the first thing that I fully expect would be said if anybody were to raise these issues with the State Department or somebody at the White House. They would say, well, this is all very complicated.

Of course it is. It is not enough just to have your heart full of concern for people who are struggling for freedom. This is a matter on which we must use our head, and Mr. Bush, I think quite properly, is weighing the alternatives. I respect that he has unique and special responsibilities, as well as unique and special insights into the situation. But in my opinion we are being far too cautious. In trying to balance this between what our hearts tell us and what our heads tell us, we are making a mistake, we are giving the impression to Mr. Gorbachev and the world that we really do not care, that our relationship with Mr. Gorbachev is so important that there is no outrage to which we will respond.

Mr. President, this is not an unfamiliar argument. Every time we face a crisis of some sort somewhere in the world, these same kinds of questions arise. Whenever Senators suggest a course of action which is along the lines of what I am about to suggest, somebody says, well, no, leave it to the professionals down at the State Department. They say, well, no, this is not something that should be conducted in public after all; behind the scenes we are working very diligently on this matter. They say, well, no, it is better left to those who devote their attention to such matters every day of the week, 7 days a week. In short, it is better left to the execuitve branch than to the legislative branch; it is better left to us rather than to you. That is what they tell Senators.

That is what they told us about China. Remember? I invite Senators to look at how that has worked out. I don't think that policy has proven out very well. It proves to me that Senators were right and the professionals down at the State Department and elsewhere have been proven wrong about China.

That was pretty much the tone of the argument when we argued the forced labor issue a number of years ago. The Congress repeatedly asked the administration to enforce those laws that prohibit the importation of goods produced with forced labor in the Soviet Union. Over and over again, despite the clear provisions of the Tariff Act of 1930, and despite the repeated requests and the expressions of official concern by the Senate and by the House of Representatives, the administration declined to do so. My view is that a lot of people suffered needlessly and the reputation of the United States suffered needlessly.

That was pretty much the same situation we went through in Romania when some of us in this Chamber argued and argued over a period of years that we should not grant MFN status to Romania because of their abuses of human rights. I think history has proven that we were correct.

Mr. President, I think I would claim too much if I were to say a cautious policy of behind the scenes diplomacy is or always has been wrong, and on a number of ocassions it has been, but in this particular instance it seems to me we are just conveying the impression we really do not much care about what is going on in Lithuania. I do not think that is true, nor, Mr. President, do I adhere to the belief that there is not anything we can do without absolutely creating a final and total, catastrophic rupture between the Soviet Union and the United States, or between the Bush administration and the Gorbachev administration.

I am not saying jump off a cliff. I am saying there are a series of graduated, responsible measures that we could take to give concrete expression to the concerns we feel. I do not know what all of those are but at least six things occur to me immediately. First is we could extend diplomatic recognition and send an Ambassador to Lithuania and invite the Lithuania Gov-

ernment to send one here. In my view, we should have done that within about the first 6 or 8 or 10 or 12 hours. It is not too late to do so now.

That is not a measure which is unduly confrontational. It is the kind of recognition which simply says we recognize the legitimacy of the Government of Lithuania, that Lithuania is and always has been, for this is the policy of the United States and has been for decades, an independent and free country.

Second, we could raise this matter with the World Court. Now, I am not one who has a great admiration for the success of the World Court, but I do not think it is a useless agency of international relations either. It seems to me that that would not be too confrontational, that would not be something which would take us to the brink of disaster if we, either on our own or in support of some effort by Lithuania, raised this matter at the World Court.

Mr. President, the third thing that occurs to me as a potential action for us to take would be to raise this matter in the United Nations. Again, I do not think the United Nations is the ultimate answer in human affairs, but it is a place where the issue could be raised, where public opinion could be focused, where we could give the nations of Eastern Europe: Poland, Czechoslovakia, Hungary, and others a chance to vote on this matter. Would that not be a worthy and interesting debate and vote.

Fourth, Mr. President, we can grant or withhold economic assistance. My judgment is that the most crucial imperative for the Gorbachev administration is to do something to straighten out their economy, which is coming apart at the seams. It appears to me the only hope they have for doing that in the short run is to get some help from the United States. The power to grant or withhold such aid is a very, very significant incentive which we ought to use and so far as I am aware we are not now using.

The fifth thing that occurs to me as a possible option to bring pressure on the situation is technology transfer. There is a lot of talk about how we are going to send various items of United States technology, and I must say that I for one would be quite cautious about doing so prior to the resolution of this Lithuanian situation.

Mr. President, we had a big debate in this Chamber not too long ago, a few years ago, about sending the technology for gas turbines to the Soviet Union. The question was whether or not it was really in the interest of United States and Western policy to help the Soviet Union build a massive natural gas pipeline to send gas to Western Europe.

The concern that many of us expressed was, what would happen when the nations of Western Europe, particularly West Germany, became dependent on the Soviet Union for natural gas. Could it happen in a crunch of some kind that the Soviet Union would bring inordinate pressure on Germany by simply turning off the valve for natural gas. I guess if I were a West German this morning, I would take very seriously what has happened to the people of Lithuania, where that is exactly what the Soviet Union has done. They just turned off the gas.

Finally, Mr. President, if other measures are not successful, we could reconsider the timing and content of the summit talks.

Mr. President, I do not know what the answer to all of this is. I certainly do not hold myself out as an authority on political developments in that region of the world—but I just did not want to let the day go by without letting somebody know, anybody who reads this RECORD or anybody who may know of proceedings in the Senate on Lithuania—that some of us think this country can and should and ultimately will go much further in the defense of freedom, much further in registering our support for the people of Lithuania, not because we wish to be confrontational to Mr. Gorbachev, not because we wish to set back or injure or downgrade the relations between this country and the Soviet Union but because our priorities are freedom first and other considerations after we think about human freedom.

ORDER OF PROCEDURE

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that Senator THURMOND be recognized for 10 minutes, and that after Senator THURMOND and the majority leader speak, the Senate stand in recess until 2 p.m.

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

Mr. MITCHELL. Mr. President, we are still attempting to gain approval to move to the supplemental appropriations bill at 2 p.m. I am advised that Senator DOLE is working on gaining that clearance.

As soon as Senator THURMOND completes his remarks, the Senate will then be in recess, and I will, when we resume the session at 2 p.m, seek to obtain consent to proceed to the supplemental appropriations bill at that time.

I am grateful to Senator DOLE for his cooperation in seeking to obtain that approval, and look forward to being able to proceed to that bill at 2.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 10 minutes.

THE BELL FAMILY, 1990 BLACK FAMILY OF THE YEAR

Mr. THURMOND. Mr. President, I rise today to recognize Mr. and Mrs. Leroy Bell, South Carolinians and the parents of eight fine children, who were recently named the 1990 Black Family of the Year. Their story is one of love, commitment, sacrifice, hard work and immeasurable rewards. It is my privilege to pay tribute to them today. I welcome them, along with their family members, to the Chamber of the U.S. Senate.

Leroy Bell was born on February 23, 1932, in Hopkins, SC. He is the adopted son of Tom and Sarah Bell. Marie Carter Bell, is the daughter of Lewis and Hattie Carter and was born almost 4 years later in the same community. Both Leroy and Marie Bell attended local secondary schools and Leroy went on to serve for 2 years in the U.S. Army.

Marie and Leroy were married on September 11, 1952. They soon moved to Columbia, SC and started their family. Limited in both educational and vocational skills, Mr. Bell found work as a meat packer and Mrs. Bell accepted employment as a domestic worker. Their strong Christian faith and high moral principles served as the foundation for their lives, and their family enjoyed a closeness which was envied by many.

The Bells are keenly aware of the importance of education and greatly encouraged their children's academic success. Leroy Bell, who is described as a reserved and private man, stressed hard work, enforced strict discipline, and embraced traditional family values. His children learned the importance of teamwork in their early teens by working side-by-side with their mother in a college cafeteria or cleaning offices at night with their father.

In the early 1970's the family was brought even closer together when it was discovered that one of the Bell children suffered from sickle cell anemia. With the support of this strong family unit, this young man has been able to overcome the potentially devastating effects of this tragic disease and has experienced both personal and professional success.

I believe that our success as parents is often reflected in the achievements of our children. In this case, Mr. and Mrs. Bell's success is truly overwhelming. Despite the limited finances and additional responsibilities incurred by each of the children, all eight children completed their educations—several with honors. Seven went on to obtain college degrees; five have postgraduate degrees; one obtained a doctor of medicine degree; and another is currently a second-year medical student.

I believe that each of the children deserves to be recognized for his or her accomplishments.

Michael Leroy Bell is the Bell's oldest son. He has been employed by Anchor Continental as a machinist for over 18 years and is married to the

former Sadie Johnson. The couple has two children.

Alonzo Bell earned his bachelor of arts degree in history from the University of South Carolina. He is a sergeant at the Richland County Detention Center and is married to the former Ruth Brockman. They have three children.

Gary Bernard Bell earned his bachelor of science degree in pharmacy from the University of South Carolina and a doctor of medicine degree from the Medical University of South Carolina. He is a physician in private practice, and is married to the former Benetta Gadebeku. His wife is a dentist.

Janice Bell McDowell is the Bell's oldest daughter. She received her bachelor's and master's degrees in health education from the University of South Carolina. She is a public school health instructor and is married to Raymond McDowell.

Tom Jeffery Bell earned his bachelor of arts degree in art education from Benedict College, one of our Nation's historically black colleges. He is a public school art teacher and is married to the former Jacqueline Stewart.

Joyce Bell Washington earned a degree in science and commercial education from the University of South Carolina. She is employed as an insurance underwriter and is married to Dr. Eric Washington, a physician.

Janette Bell Damon earned her bachelor of arts from the University of South Carolina. She is a public school elementary teacher and is married to Bruce Damon.

Finally, Woodrow Anthony Bell, the Bells' youngest child, is a Phi Beta Kappa graduate of the University of South Carolina's College of Pharmacy. He is currently a second-year medical student at the University of South Carolina's School of Medicine.

It is clear that the Bells have been successful—as parents, as husband and wife—and as black Americans. They have instilled in their children a work ethic and an appreciation of the importance of education which is invaluable and from which our Nation reaps tremendous benefits. I am proud that the National Black Family Summit, headed by Dr. Augustus Rodgers, recognized this exceptional family in such an outstanding manner; and I hope that others will follow their blueprint for success.

I would like to invite my colleagues to join me in honoring the entire Bell family by attending a small reception which will be held in my Capitol Office, room S. 238, this afternoon from 2 to 3 p.m. There are those who would say that the American family is an endangered species. The Bell family, however, proves that the American family is alive and well; and in this case living in the great State of South Carolina. I pray that God will continue to bless them all and I pray that God will bless America.

Mr. President, I ask that the names of the individuals, who served as members of the 1990 National Black Family Summit Program planning committee and have accompanied the Bells to our Nation's Capitol today, be printed in the RECORD.

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

Mr. Benny F. Clark, S.C. Health and Human Services Finance Commission.

Dr. Anthony Gore, Deputy Commissioner, S.C. Department of Mental Health.

Mr. James Hopkins, president, United Black Fund.

Dr. Jacob Jennings, vice president, University of South Carolina.

Ms. Ruth Martin, S.C. Department of Health and Environmental Control.

Mr. J.T. McLawhorn, president and ceo, Columbia Urban League.

Ms. Cynthia Pryor, Columbia Urban League.

Mr. Myron R. Robinson, president and ceo, Greenville Urban League.

Dr. Augustus Rodgers, executive director, National Black Family Summit.

Mr. James L. Solomon, Jr., commissioner, S.C. Department of Social Services.

Mr. President, I yield the floor.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order the Senate now stands in recess until 2 p.m. today.

Thereupon, at 12:12 p.m., the Senate recessed until 2:03 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KOHL].

The PRESIDING OFFICER. The Chair recognizes the majority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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, I ask unanimous consent to proceed for not more than 5 minutes as in morning business.

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

TOM DUNAGAN

Mr. SYMMS. Mr. President, today I call my colleagues' attention to a man in my own home State who was recently spotlighted in the Idaho Press-Tribune for a lifetime of service. Tom Dunagan has been my friend for many years. He has managed the Marsing Labor Camp since 1961 and the Marsing Housing Authority since 1973. Tom's tenure in these offices was an era of growth and change for migrant housing with innovations and standards he set as camp manager.

The labor camp serves as the lodging for seasonal and year-round agricultural and migrant workers. Before Tom took over, the tenants had to haul their water from a hydrant and use common bathrooms. Largely because of Tom, the tenants today have private housing accommodations including toilets, showers, hot water, ranges, refrigerators, and air-conditioning. Tom's creed has been to "preserve the dignity of the individual and the family." He has earned the respect of everyone in the agricultural community in southwestern Idaho.

On October 15, 1989, Tom retired to enjoy life with his new wife, Florence, on their new farm. I wish both of them well in their retirement. I ask unanimous consent that the article to which I have referred to be printed in the RECORD following my remarks.

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

[From the Idaho Press-Tribune, Feb. 28, 1990]

RETIREMENT HARD FOR LABOR CAMP CHIEF

(By Sandy Roberts)

The sign on the door reads Marsing Agricultural Labor Sponsoring Committee office. In simpler terms, the Marsing Labor Camp.

It is a man's office—a working man's office. No frills, nothing fancy. The walls are adorned with photos, certificates, mementos; the desk and cabinet tops covered with papers, books, more mementos.

A straggly looking plant hangs in one corner—a survivor of several near death experiences. Nursed back because it was a gift from a friend.

Two certificates of commendation to firefighting units from the labor camp hang there, left by the men who earned them. Given to their friend.

A statuette stands on the file cabinet bearing the words "To a helluva swelluva guy."

A U.S. Calvary bit and a pair of spurs hang on another wall—reminders of the days before he took this job. Days when he was cowboying.

The man matches the office. Tall, lean, white hair. Denim shirt, jeans. An old battered felt hat. No frills, nothing fancy.

Tom Dunagan, manager of the Marsing Labor Camp since 1961 and the Housing Authority for the city of Marsing since 1973, has been at home in the office for 28 years. Officially he retired Oct. 15, 1989, and unofficially, three months later.

It is the end of an era—one of change and growth—for Dunagan and the labor camp. Not much remains the same as when he took over.

Dunagan described the labor camp as an association-operated, private, non-profit organization. The Housing Authority is a quasi-political subdivision of the city of Marsing. There are 46 units in the "old labor camp" and 40 in the "new."

In explanation, Dunagan said what is called the old labor camp is for seasonal migrant field workers, whereas the new complex is for year-round agricultural and migrant workers. Units in the old camp are the

pumice-block style. In the new camp there are 25 two-bedroom and 15 three-bedroom brick homes. They were the first of their kind in the nation and allowed migrant workers to live year-round in Marsing. In both camps there are toilets, showers, hot water, ranges, refrigerators, and refrigerated air conditioning.

"We were the earliest to have cold water sinks," Dunagan said with pride. "When I first took over, the tenants had to haul their water from a hydrant and there were common bathrooms."

In 1965 they installed private toilets and cold water sinks; the next year they put in showers and hot and cold water sinks; and in 1968 "we went all out," Dunagan said, "and designed the three-room apartments."

It is a source of pride to Dunagan to be able to say that the Marsing labor camps were innovators, that they initiated a number of "firsts" in the area of migrant housing.

Dunagan's creed has been to preserve the dignity of the individual and the family.

That creed led the phenomenon known as the "Dunagan Door." He calls it the privacy door. When the bathrooms were being built in the new camp, Dunagan fought for and got permission to install a door separating the bathing facility from the rest of the room.

Dunagan had a very active part in the design of the homes and the layout of the new complex. Each home is set on the lot in such a way as to give the most privacy. Windows don't face each other, no one lives looking into the house next to it.

"Don't wonder what we do all winter. There's always something," Dunagan said. Those months are used by Dunagan and his maintenance crew to paint, renovate, repair and make improvements in preparation for the coming influx of tenants. Heavy winds in a January storm damaged a number of roofs on some of the units in the old camp, making another chore for the crew.

In 28 years there have been a lot of changes, as would be expected. Gravel roads are now paved, open trenches have been covered over. Play areas with teeter-totters and swings and large grassy areas are there for the children's enjoyment. In a progress report early in Dunagan's tenure it said, "This camp is as good as can be expected because it is located in a rocky area."

Today, the rocks have been replaced by beautiful grassy areas. But all the changes are not ones seen as you look around the camp.

"Wages have tripled," said Dunagan. "In my first year $63,000 worth of business went through here. In 1989 that figure was in excess of $2 million."

Dunagan and his office staff pay each worker each week. The office is equipped with one of the most advanced payroll systems available. Local farmers and fruit ranchers can contract with the labor camp to have them handle the payroll of their work crews—many of whom do not live at the labor camp. The farmers are charged a bookkeeping fee for the service.

Advances in farming technology have also had a big impact on wages.

"When I first took over here," recalled Dunagan, "a man could work half an acre of sugar beets a day and we thought that was pretty good. Now a man can average an acre to an acre and a half.

"Long handled hoes have replaced the short hoes, mechanical thinners have taken over, and segmented seed and approved herbicide usage—all agriculture has come a long way.

"It's a lot easier now for farm workers. But it's still very hard work, demanding work. They are professional workers. Everyone thinks just anyone can do it, but that is wrong. The workers should receive a lot of credit for what's happened in Marsing," Dunagan said.

When tenants move into one of the camps, they will find the rent (along with the conveniences) about tripled since 1961—early rates were $5 and $8. Management takes care of maintaining the grounds, appliances and trash removal.

"We take care of these people," Dunagan acknowledged, "because they take care of us."

"They all like to come to Marsing," said Dunagan. "It fills up first. When anyone rents a house anywhere there are certain responsibilities that go with it. Here the tenants are required to pay a deposit. They know I expect to find things left in good condition.

"If they ruin a mattress, they've bought it."

Looking over the camps, Dunagan knows every blade of grass, every patch ever made, every improvement. He knows each tenant by name. He waves, steps out of his pickup to exchange a few words with people he sees. Some tenants in the new section have lived there many years. He's watched families come back each year, seen their children grow up and their grandchildren arrive.

Dunagan always tried to encourage the kids to stay in school, he said.

"I would browbeat them, praise them, scold them, whatever I thought would work," to get them to stay in school. One of the young girls he encouraged now holds a management position in a Health and Welfare office in Texas. She's just one of the real success stories he can relate.

He has kept in contact with many of the families. It is more than a tenant-manager relationship, they become friends.

"Always I have urged these people to upgrade their lifestyle and help broaden their lives," Dunagan said.

Often Dunagan has taken a tenant aside and encouraged him to "go into town and buy a little house."

"I can take your money each month and in 10 years you will have nothing. But if you get a little house of your own, your FHA payment won't be much more than here and at the end of 10 years you'll have something," he'd explain.

Through the years Dunagan has lent money to families so they could come to Idaho and work. A call to Dunagan telling of a car broken down somewhere on the road between Texas and Idaho would set him into action on the phone arranging details with a garage to fix it and get the workers back on the road. On occasion he set up credit at local stores for those who arrived without food or money.

"In every case," Dunagan said with emotion, "I was paid back."

To illustrate the bond between Dunagan and his tenants, he was invited to attend a party for his crew chief's granddaughter when she turned 15. He flew to McAllen, Texas, where 1,700 people celebrated in the rented McAllen Civic Center. He and his wife were two of only three non-Hispanics there.

Dunagan, who will be 74 next Flag Day, is a native son, born in Caldwell. He graduated from Wilder High School and attended University of Idaho for one and a half years—learning that teaching was not the life he wanted.

He is a 50-year member of the Masonic Lodge and a past exalted ruler of the Elks in Ontario, Ore., where he still serves on the state committee. He is past president of Treasure Valley Chambers of Commerce and was deeply involved with the realignment of Highway 95.

The Chamber battled long and hard to get the worst part of that roadway—that stretch from the Marsing "Y" over the hill to the Oregon state line moved and improved, Dunagan said. His files contain personal letters from Sens. Steve Symms, James McClure and Frank Church thanking him for his involvement in this project.

Dunagan is also director of the National Agricultural Employers whose office is in Washington, D.C. He has been on the board of directors for 14 years and on the executive committee for eight years.

The *Idaho Statesman* named Dunagan its "Distinguished Citizen" on Oct. 27, 1985, an honor that particularly pleased him as the same award had been accorded his sister some years before.

"My success, any accomplishments, are due to the cooperation of the farm employees, farm employers and members of the Labor Association and the board of directors," said Dunagan. "Without them we could have done nothing.

"It's traumatic for me. It's real difficult leaving."

What will he be doing when retirement really hits him?

"I don't know," he said honestly. "Friends want me to go fishing but they want me to use a hook! That's work."

Whatever path he takes in retirement, when Dunagan leaves the labor camp, something will be missing from his life.

When the workers return to Marsing this spring, something will be missing for them, too.

CAPITALISM AND APARTHEID

Mr. SYMMS. Mr. President, many foes of apartheid look to socialism as the answer to black oppression and discrimination in South Africa. However, Walter E. Williams, in his article entitled, "Triumph Over Capitalism" from the April 1990 edition of Reason magazine, suggests that "market forces actually undermine racial privilege." The racist goals of the white minority have been achieved only through heavy government regulation; such achievements could never have been the result of capitalism alone.

In this article, Williams compares the current labor situation of black South Africans to black Americans not long ago. From here, it becomes easier to understand just how and why the rules of apartheid are contrary to those governing our own free market system. The discrimination prevalent in the South African economy prevents efficiency.

Williams presents a unique opinion on an issue troubling many. Here is the economic answer to those who insist that socialism is the sole alternative to South African oppression. Mr. President, capitalism, when allowed to thrive independently, leaves no room for discrimination. The problem facing

South Africans today is the abuse of power of an overly centralized government.

Mr. President, I ask unanimous consent that the article, "Triumph Over Capitalism" from the April 1990 edition of Reason magazine, be printed in the RECORD.

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

(See exhibit 1.)

Mr. SYMMS. Mr. President, to summarize the conclusions of Walter E. Williams in his book, "South Africa's War Against Capitalism," apartheid is the antithesis of capitalism. Apartheid was founded on discrimination, and this discrimination, which is prevalent in the work force and labor laws, operates against the free market system.

National Review magazine has come to the same conclusion as I, Mr. President, when they say that apartheid may very well be the bain of an entrepeneur's existence. For this reason, approximately half of South Africa's businesses actually step around the rules of apartheid so as to operate efficiently—within the rules of a free market system.

In South Africa there persists a system of protectionism by and for the Afrikaners. Well now they are realizing how they are hurting themselves. According to Williams, "The whole ugly history of apartheid has been an attack on free markets and the rights of individuals and a glorification of centralized government power." The market, Mr. President, is the vehicle through which South Africa's people must fight their war against their centralized government."

I encourage my colleagues to survey Williams' book, and I ask unanimous consent, Mr. President, that the review of "South Africa's War Against Capitalism" from the January 22, 1990, issue of National Review, be printed in the RECORD.

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

(See exhibit 2.)

Mr. SYMMS. Mr. President, immediately following that in the RECORD I ask pages 5 and 6 of this month's International Harry Schultz newsletter with respect to South Africa be printed in the RECORD.

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

(See exhibit 3.)

EXHIBIT 1

[From Reason magazine, April 1990]

SOUTH AFRICA: TRIUMPH OVER CAPITALISM

(By Walter E. Williams)

Racism and capitalism have long been viewed as the twin pillars of apartheid, reinforcing each other while supporting a system of social, political, and economic repression. As a result of this mistaken view, black South Africans and their white benefactors have something in common with apartheid's architects; a hatred of the free market. But unlike the white supremacists, critics of apartheid who oppose capitalism fail to recognize that market forces actually undermine racial privilege. Instead, they conclude that a more just society can be achieved only through socialism. This view is all the more alarming given the changes sweeping South Africa.

The indictment of capitalism and market forces is reflected in statements by Archbishop Desmond Tutu, who, after winning the Nobel Peace Prize in 1984, told London's *Sunday Telegraph*, "I myself hate capitalism." Similarly, Chris Dliami, vice president of COSATU, a black labor union, has said, "The unholy alliance of apartheid and capitalism has become obvious and concrete. One cannot expect to eradicate it simply by removing apartheid. . . . What we are talking about is the total change of the present system."

Some South African whites, wanting a better life for blacks, share this view of capitalism. Raymond Sutter, an anti-apartheid activist, wrote in *Business Day* in 1985: "The struggle for the Charter is therefore an anti-capitalist programme, because any programme to end racial oppression in South Africa must be anticapitalist." Contributing to the connection between apartheid and capitalism in the minds of many South Africans are statements by government officials who refer to their economy as "our free-market system."

Contrary to these mutually reinforcing sets of beliefs, South Africa's apartheid is not a corollary of capitalism. On the contrary, apartheid is the result of socialistic efforts to subvert the operation of market forces. Indeed, it is the free play of market forces—with no intervention by political forces—that has always been seen as the enemy of white privilege and that apartheid ideology has always sought to defeat.

South Africa's history is riddled with white contempt for market forces, from the highest levels of government on down. In *A Century of Wrongs* (1900), Prime Minister Jan Christiaan Smuts wrote: "It is ordained that we [Afrikaners], insignificant as we are, should be amongst the first people to begin the struggle against the new world tyranny of capitalism."

In 1941, *Volkshandel*, an Afrikaner business publication, declared: "Every soberminded, thinking Afrikaner is fed up to the top of his throat with so-called laissez faire—let-it-be—capitalism, with its soul destroying materialism and the spirit of 'every man for himself and the devil for us all.' We are sick of it because of its legacy of Afrikaner poor whiteism and the condition which makes the Afrikaner a spectator in the business of his own country."

This fundamental hostility toward capitalism is not surprising when we consider that white hegemony in South Africa needs to be enforced by law. Indeed, the whole legal structure of apartheid is prima facie evidence that market forces, left unimpeded, would not achieve the results desired by the white supremacists. The history of economic regulation in South Africa reveals that racist goals have been served by heavy-handed government intervention, not by the operation of capitalism.

Such intervention occurred well before the establishment of the modern apartheid system, and it was often resisted by business people because it raised their labor costs and hurt their profits. Various laws passed around the turn of the century restricted the number of blacks that could be employed in mines and the kinds of jobs they could fill.

When mine owners broke agreed-upon employment quotas in 1922, white workers, led by socialists and communists, responded with the most violent strike in South African history. They paraded around Johannesburg chanting, "Workers of the World Unite to Keep South Africa White." The government used troops, artillery, and aerial bombardment to restore order. The incident led to the downfall of Prime Minister Smuts and the rise of James Hertzog, who campaigned on a promise to protect white workers.

Under Hertzog, the Industrial Conciliation Act (ICA) restricted the employment of blacks, excluded them from collective bargaining, and outlawed black unions. Later measures gave the labor minister authority to reserve specific classes of jobs for whites only in order to "safeguard against interracial competition."

If we assume that capitalism and apartheid are in accord with each other, these and many other measures to confer privileges on whites are puzzling. South Africa's businesses were owned by whites, so why were racially discriminatory laws necessary?

Clearly, white businesspeople and government officials, while sharing the ideology of white supremacy, did hire blacks in jobs that whites wanted. They did so because blacks were willing to work for lower wages—as much as 75 to 80 percent lower—which meant higher profits. Moreover, in some jobs, blacks were more productive than whites. Government officials saw hiring blacks as a way to meet labor shortages.

White workers, many of whom were no more skilled than black workers, opposed market allocation of resources because it would not pay them higher, "civilized" wages. They were quick to recognize that markets do not respect race. White workers therefore sought privilege through the political arena, urging the government to write laws that would undermine the black competitive advantage.

South Africa's racist agenda and attack on market forces included laws similar to measures widely supported in the United States. White supremacists advocated a minimum wage for blacks and argued that blacks should be covered by the same industrial labor laws as whites. In 1925 the white Mine Workers Union argued: "It is now a question of cheap labor versus dear labor and we consider we will have to ask the commission to use the word color in the absence of the minimum wage, but when that [minimum wage] is introduced we believe that most of the difficulties in regard to the color question will automatically drop out."

Such supporters of minimum wages for blacks and equal-pay-for-equal-work laws have not been motivated by humanitarian concerns. Indeed, wage regulation is one of the most effective tools in the racist's arsenal, because it makes cooperation with racist goals cheaper. By preventing blacks from underbidding whites, wage floors reduce the profitability, and hence the attractiveness, of hiring blacks.

Wage regulation, often known as "rate for the job," therefore served a purpose similar to that of job reservation, which was not nearly as successful as white workers had hoped. Racist unions often complained of violation, evasion, and contravention of job reservation laws by businesses. The unions griped that "there has been a cold-blooded sellout of white workers" and declared that "job reservation is a dead duck, therefore

the only protection is a policy of paying the rate for the job."

Even government officials charged with apartheid enforcement would cheat by changing the names of "white" jobs so blacks could be hired; for example, shunters became marshallers and ticket collectors became ticket takers. Officials of the government-owned railways have been known to hire teams of black workers and sneak them in, under the cover of night, to illegally perform "white" work in the railroad yards. In response to objections to such practices in the early 1970s, the minister of transport said, "You want white railway workers. Find me them!"

During the 1980s, long before job reservation and most of the racially restrictive employment laws were officially repealed, they were being repealed by stealth through market forces. Such has been the fate of the Group Areas Act, still on the books, which restricts where people may live and work by race. In the metropolitan areas of Cape Town, Durban, and Johannesburg, which are by law white areas, many neighborhoods are integrated, often with whites in the minority. This is a result of market forces—shortages of housing in nonwhite areas and surpluses in white areas.

As the apartheid regime crumbles, there is a real danger that South Africa will exchange one oppressive system for another. The collapse of socialism in the Soviet Bloc gives hope that this danger can be avoided. Rather than fight capitalism, South Africa's people must strengthen their beleaguered market forces and declare war on centralized government power.

(Contributing Editor Walter E. Williams is John M. Olin Distinguished Professor of Economics at George Mason University. This article is adapted from South Africa's War on Capitalism (Praeger Publishers).)

EXHIBIT 2

[From the National Review, Jan. 22, 1990]

RIGHT BOOKS

If you were a white South African businessman, one with entrepreneurial proclivities and without racist blinders, you might very well *despise* apartheid. You'd realize how surely the system picks your pocket. Because that nation's black majority is unable to function actively as either a profit-aiding consumer market or as a cost-reducing labor market, whites receive diminished return on investment, and spend more to acquire goods and services; that's the cost of protecting white "privilege." The mechanisms of this protectionism are at the heart of apartheid, and they define, as Walter E. Williams summarizes in the title of his new book, *South Africa's War against Capitalism* (Praeger, 160 pp., $37.95).

This "war" is a part of South African history. Both J.C. Smuts and J. B. M. Herzog, two of South Africa's leading statesmen in the first half of this century, saw apartheid as the bulwark in a struggle against the "tyranny" of capitalism. More recent South African leaders have learned to soften anti-capitalist rhetoric, and to emphasize the "struggle" against the Communist leanings of the African National Congress. Professor Williams traces the economic history of apartheid, concluding that it "has been an attack on free markets and the rights of individuals, and a glorification of centralized government power."

But does it work? Yes and no. About 50 per cent of South African industries fudge apartheid restrictions in order to operate more efficiently, and such responses to market forces as have managed to flourish are in large measure responsible for the advances made by blacks, coloreds, and Asians. The market will probably be the death of apartheid, which is why disinvestment has been such a debacle for blacks and, in some ways, a boon to Afrikaners. American proponents of sanctions and disinvestment (Jesse and Teddy) ignore the very positive effects foreign companies have had in diminishing the reality of apartheid.

Some examples demonstrate how wrong-headed liberal good intentions (which, remember, pave the road to hell) have been: The twenty-year-old UN embargo on arms sales has succeeded in creating a booming arms industry in South Africa, thus strengthening its police powers. And the pullout of American and European corporations has meant that white South Africans have been able to acquire enterprises at deeply discounted prices, and have then been able to run the companies without regard for the free-market principles which were the hallmarks of the former American and European managers.

In the book's best chapter, "Apartheid: Rhetoric versus Reality," Williams observes that the "protection of white workers from open market competition with blacks was a costly proposition. . . . [W]age differentials . . . gave business considerable inducement to find ways to substitute black for white labor." The economic protection of whites produced—and it is ever thus in any "planned" system—unintended consequences. Most paradoxically, it created, sub rosa and de facto, the opposite of its intent: demand and opportunity for black labor. The market's momentum is unstoppable, and yet apartheid laws endure. Many whites refuse to do *"kaffirwerk"* at the very time when blacks, for market-oriented reasons, are making inroads into previously restricted areas of labor and enterprise. (Will white South Africans become redundant when, finally *all* work is *kaffirwerk*?) "Governments can legislate market restrictions," Williams writes, "but—try as they may—governments cannot legislate market forces completely out of existence." No, they cannot. American liberals might have helped end apartheid had they recognized the transforming power of markets, even when the markets aren't wholly free.

EXHIBIT 3

[From the International Harry Schultz Letter]

SOUTH AFRICA

This issue carries a special report on The Republic of South Africa (SA) by old friend Fred Macaskill, founder member of the Free Market Foundation of SA. . . . "The main issue in SA is power, not human rights. Sanctions haven't precipitated events, but uncontrollable govt expenditures. Only rich nations have resources to pay for socialism. Once rich, SA is now a pauper state due to socialist health, education, housing & transport, plus high defence costs. Analogies abound btwn E Europe & SA. Ultimately, economics & socialist waste forced both to change. However, 2 major differences exist btwn E Euro & SA: (1) SA applied socialism mainly to only 1 part of the pop—Blacks. (2) E Euro is abandoning socialism, while SA is increasing it.

The Players: The Nationalist Party (NP) plays shrewd politics & retained power over 40 yrs by disabling the opposition thru adoption of their policies. The NP's main opposition is the Conservative Party which holds to original NP policies. There are numerous black tribal & political groups. African National Congress (ANC) isn't the only or largest. The Zulus are the largest tribe under Chief Buthelezi, who has resisted apartheid nonviolently. While ANC urged sanctions, he objected, on grounds Blacks suffered most & weren't helped. Not surprisingly, there's conflict btwn ANC & Inkatha, Buthelezi's tribal/political group. The 10 tribal homelands in SA, & the black African Frontline states, are economically dependent on SA.

Conflict: In SA there's huge potential for conflict due to numerous differences btwn people—color, race, religion, culture, education, language, wealth, values, etc. But, conflict can be avoided if no force is used, if differences aren't imposed, but respected.

The problem: People are forced to live apart, accept a given education standard & prevented from trading freely. In SA conflict is caused by forced disassociation: in the U.S. by forced association. Further, Blacks have no vote & no political power within the system

Apartheid—facts & fallacies: Apartheid was practiced in SA by preventing Blacks from living in white areas, moving from rural areas to cities, holding certain jobs, having common transport & amenities & having mixed marriages. Most such laws have been scrapped or ignored. The govt applied socialism to apartheid, heavily subsidizing housing, health, education & transport for Blacks. The result left SA Blacks better off than Black anywhere in Africa. Govt socialism bled Whites economically. Tax levels are among world's highest & main beneficiaries are Blacks. Apartheid staved off communism which engulfed the rest of Africa, but with the int'l collapse of communism, it's time to abandon apartheid. The danger is black leaders may not understand the reasons & SA could belatedly still go communist. It's the SA govt's responsibility to prevent this calamity, but are they up to the task?

Nationalization is ANC's declared policy. Asset sales boost economies & give govts needed cash. But, if govt must privatize to get cash there's obviously no cash in the kitty. ANC talk of nationalization means confiscation which would violate individual rights as much as any apartheid laws. ANC merely wants power to increase SA govt socialism.

Redistribution of wealth is another term for nationalization. ANC doesn't realize apartheid's already redistributed wealth: Whites were taxed heavily for black amenities. Capitalism creates wealth & distributes to the most productive. Rich & poor both become richer. Socialism destroys wealth & redistributes to the least productive. Rich become poorer & poor starve. If Blacks want Whites' wealth, they should copy Whites' methods of creating it.

Sanctions are a hideous trap & fraught with danger for int'l community. Any govt imposing sanctions immorally restricts trade freedom. Thru sanctions, govts deprive their citizens of privileges they're seeking for others. Companies invest for profits & if capital or profits are threatened, they disinvest. This isn't sanctions, it's prudent business. The reality is most companies didn't withdraw from SA due to sanctions, but poor investment potential. Many nations were 2-faced, demanding sanctions while conducting business as usual with SA.

Communism: SA's weakness was apartheid. Int'l communism detected this & founded, funded, trained, & supplied ANC to undermine the SA govt. We must serious-

ly question ANC concern for individual liberty & consider apartheid a tool to gain power. Altho communism is failing globally, including black Africa, it survives in the ANC, whose powerbase is built by recruitment & brutal intimidation. Murdering opponents by necklacing (burning people to death with a tyre round the body) created such an int'l outcry the ANC abandoned it for a while, but it's recently resumed. ANC was primarily funded by E Europe, but with communism's collapse, funding has dropped dramatically.

Negotiations: Peaceful negotiations are preferable to terrorism, sanctions & other hostilities. But, as govt agrees apartheid is wrong, believes in free mkts & accepts universal franchise, what remains to negotiate? It must be assumed the ANC's negotiating agenda will limit individual freedoms, & ANC calls to "negotiate" are a smokescreen. The solution: free the country & economy, enfranchise all, entrench individual liberty in a constitution & bill of rights, invite Blacks into existing political parties & fight a vigorous election. Chances are excellent the existing govt would be returned. The issue isn't Whites vs Blacks, but haves vs have-nots. Negotiating White vs Black, capitalism vs communism, minority vs majority, is a no-win approach. Inviting Blacks to participate fully in the system is likely to produce free & peaceful results. Rather than negotiate which ideals to sacrifice to the enemy, ally with friends to strengthen ideals & outvote the enemy. Blacks & Whites share many common ideals & there's no need to sacrifice anything to those exerting power thru intimidation.

ANC strategy: ANC is trying to set a torch to SA because they don't want equality or democracy, they want power. By creating anarchy they hope to negotiate in a climate of chaos. ANC's legacy is traditional communism where destruction of anything preventing total dominance is justified. However, the ANC was staggered by the sudden, drastic change in SA govt policy & collapse of E Euro communism.

Polarization: SA was right to fight communism, but many couldn't support the govt due to apartheid & econ policies. And we can't support the ANC for its terrorism & communism. It's right to be anti-apartheid, but wrong to be pro-ANC simply because it's anti-apartheid. An ANC regime would bring untold oppression to SA, far worse than former SA apartheid regimes. The dilemma can be resolved by taking the good from both sides, rejecting the bad on both sides, & refusing to take sides.

Revolution: There are 2 types of revolution. The 1st brings only leadership change (a revolt or coup); the 2nd, a total system change. SA doesn't need the 1st type, a new version of the old regime with different color skin, yet there are dire indications this could happen. The danger is SA's revolution will escalate beyond control of govt & other instigators.

Great expectations: ANC followers have been told they'll own Whites' possessions after revolution. There's only 1 way they can keep such promises—thru communism. If communism didn't exist they'd have to invent it to justify wealth redistribution. If ANC wants what Whites have, it's attainable: adopt a work ethic & practice birth control.

Power is what it's all about. The indiv is irrelevant & "human rights" & manipulation of the masses are leveraged in the power play. Part of the SA solution involves politicians relinquishing demands for power.

The future: Mandela grew up studying communism & ANC comrades spent decades in communist training camps. To ignore ANC intentions is to ignore reality. Under an ANC regime, nationalization of big biz, wealth redistribution, forced equality, a planned economy, drastic lowering of education & health standards, mass exodus of skilled labor, a productivity drop, bankruptcy of SA, starvation & hardship can be predicted. Widespread tribal conflict would open the way for brutal ANC intervention. Afrikaners would reverse roles & become Africa's new freedom fighters desperately seeking a homeland. Int'l consequences would surpass the severity of the 1973 oil crisis, & commodity mkts would yo-yo. With many Afrikaners in defence & police, a military coup is possible.

"What if?" all parties concerned took action to avert disaster. Like a runaway train, there are unstoppable forces in SA. Nothing can halt it, but with little effort, diversion from total destruction onto a track of controlled change would save SA. If politicians sought peaceful solutions instead of power, it could be done. But, they must act quickly before events overtake them. The following advice is tendered:

DeKlerk: You're in charge & most depends on U. A strong econ is vital to SA's future. Sanctions aren't the issue, investor confidence is & the econ will live or die based on it. To restore investor confidence, strengthen the econ & restore solvency to SA U should: implement a broad-based program to free the econ; discard all econ discrimination; privatize state-owned biz & most state functions, including education & health, remove trade restraints & exchange & import controls; abandon state monopoly on currency issue, end the Reserve Bank's pivotal role, remove state currency regulation; respect individual property ownership rights; decimate the bureaucracy; slash govt spending & stay in budget. These steps require great courage, but are less drastic than those already taken. Ignore advice of interventionist economists & academics who've long plagued SA & landed it in its current mess. Make total commitment to democracy & free mkts. Politically there's nothing to negotiate if you've created a truly democratic SA. If the ANC intends to destroy law & order, neutralize communism by ensuring the utmost individual freedom. Communism only thrives under largely centralized power. Enfranchise all adults, create a "system" to protect the individual, invite all races into your party & hold an election. The system ensuring individual liberty must be more important than all political parties or groups. It should consist of a subsystem of "checks & balances", a constitution & bill of rights. Checks & balances must include: an administration primarily for protection of individual rights; a legislature to make laws within constitutional limits & only on issues affecting all 4 provinces; an independent judiciary with power to overrule unconstitutional laws; entrenchment of Common Law; decentralization of govt functions to the lowest level capable of handling them; & independence of provinces. magisterial districts, & cities to conduct their own affairs. Set up independent body to create a constitution & bill of rights, consult world constitutional experts, local independent expertise (eg the Free Mkt Foundation) & politicans. A half-hearted approach won't do & quick, decisive action is required. Mr. deKlerk can't do all this alone & interested parties should give full support & participation.

The ANC: U need critical self-examination, then courage to change as dramatically as the SA govt. Instead of changing, you're becoming more entrenched in a failed int'l philosophy. U must recognize: 1) Wealth doesn't exist for redistribution. If U want wealth, create it. If U confiscate it (nationalize it) you'll destroy it. 2) You've suffered under a SA govt guilty of excessive intervention & socialism. To redress the situation U don't need more of the same, U need to eliminate it. Govts worldwide recognize this & are rapidly moving to democracy & freer economies. 3) Disassociate entirely from the communist party & PAC. Communism is dead & discredited worldwide. 4) Stop imposing values on others, you're committing the same mistake as past SA govts. 5) Stop making unrealistic promises to the masses. A communist SA would impoverish everyone. If U promise wealth, then preach capitalism & a work ethic, not terrorism & destruction. 6) A peaceful SA must prosper & investor confidence is essential. Investors won't invest in uncertainty. Your call for sanctions places U on the lunatic fringe. Whether U take this advice or not depends on whether your prime concern is your people or personal power.

Mr. Mandela: You're currently enjoying tremendous prestige due to historical circumstances & could enter history books as a great leader. But, if U continue supporting current ANC ideals you'll go down in history as the person responsible for destruction of a nation.

Extreme right: The force of change is bigger than U & resistance will cause greater problems. The advice to Mr de Klerk is what U seek. Blacks don't want domination by Whites & vice versa. The solution to Blacks' problems is the solution to your fears: govt power decentralization to the lowest level where indiv's have max power.

Homelands & Frontline States: The homelands' fear is the same as Whites': the smaller tribe being overcome by the ANC power mongers. Advice is to incorporate only if U don't give up what U have & ensure individuals have max personal freedom. It's in the best econ interests of Frontline States, to see a peaceful, prosperous SA. Besides adopting democracy & free mkt policies at home, pressure the ANC to do likewise.

Int'l community: Take no sides, but vigorously support "right" & condemn "wrong". Communism's collapse doesn't mean capitalism's triumph. Western govts' efforts to impose more controls on U. Silence translates to accept.

Investment advice: Though SA has boom potential there's currently no indication it'll be realised. The govt had made dramatic political changes, but the announced national budget isn't a free mkt budget, it's a socialist budget. Social spending in housing, health & education dramatically increased to 40% of budget. This reveals no comprehension of issues. Deregulation & less spending are needed in these areas. Blacks too, think they want more socialism. They want more controls, but want to be the controllers. Refrain from SA investment until it's clear SA will find a capitalist solution.

Impact: The global impact of SA events will be profound. SA's mineral resources play a strategic role in world economics & severe disruption of future mkts is possible. Solutions require exploring depths of individual liberty rarely found anywhere. Success would benefit all, failure would adversely affect the world economy for decades to come".

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, as I indicated yesterday and earlier today, it is my intention to seek consent to proceed to the supplemental appropriations bill which was reported yesterday by the Senate Appropriations Committee. As we all know, under the rules of the Senate, any Senator may object until 2 days have elapsed following receipt of the report.

Since the report was available this morning, we would not, if consent is not granted, be able to proceed to that legislation until Friday morning.

In view of the fact that the principal aspect of this bill, and what I think is the driving force behind the bill, is the provision for assistance to Panama and Nicaragua, which the President has for some weeks been strongly urging Congress to act upon, it has been my hope that we could gain consent and proceed to this matter with a view toward completing action on it tomorrow.

That would not meet the President's originally requested timetable but would obviously be better than delaying it still further.

I have been discussing this matter with the distinguished Republican leader and, accordingly, Mr. President, I now ask unanimous consent that the Senate proceed to consideration of Calendar No. 521, H.R. 4404, the supplemental appropriations bill.

The PRESIDING OFFICER. Is there objection?

The Chair recognizes the Republican leader.

Mr. DOLE. Reserving the right to object, and I shall object, but I first want to state the reason or reasons.

I think, first of all, there is a feeling on this side that there was not any consultation on the bill itself. They were told at 4 o'clock to meet at 5 o'clock and that was the first notice they had had of anything in the supplemental. So I think there are some on this side who feel they at least should have had an opportunity to take a look at the report. These are members of the committee, not others.

Second, we do have one request, and we have now dispatched a copy of the report and copy of the bill to that Senator to give him an opportunity to take a look at it. He is not disposed to hold up the bill.

But then there is some controversial language in the bill that again was discovered in the bill. It was not offered as an amendment. It was just discovered in the bill, dealing with abortion, which is very controversial. It was passed last year. The veto was sustained when the President vetoed it. The President indicated he would veto the bill. He would like us to proceed to conference. But I have two Members on this side who have not yet made that determination. In other words, they feel that language is holding up a very important bill.

There are literally dozens and dozens of items in the supplemental in addition to aid to Nicaragua and aid to Panama. Someone indicated we have $2 billion worth of rescissions to get $600 million; $2 billion from the defense budget.

In any event, I will be working with the two colleagues who have indicated they would not consent at this time, and I hope the majority leader and I might confer later on, maybe in an hour. Maybe at that time we will be able to proceed to the legislation.

Having said that, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Will the majority leader yield for a question?

Mr. MITCHELL. Certainly.

Mr. SPECTER. I share the majority leader's state of concern that there be a conclusion on the aid to Nicaragua, considering the fact that President-elect Chamorro is being inaugurated today. Perhaps she is now President Chamorro.

On aid to Panama, I have been asked why we had not moved on these measures before. I understood the majority leader's concern not to move until we finished the Clean Air Act, which we have been very actively engaged in since January 23.

I was at the Appropriations Committee markup yesterday. We did mark up the bill. It was a complex matter with a great many items to be considered, because we had not had much time to review it.

I direct a question to the distinguished majority leader that I think many people are wondering about, and that is: What precluded our taking up this issue immediately or shortly after the disposition of the Clean Air Act?

Mr. MITCHELL. Obviously, as a member of the Appropriations Committee, the Senator is aware that I could not bring a measure to the floor until it was reported by the Appropriations Committee, particularly a supplemental appropriations bill.

The action by the Appropriations Committee occurred yesterday, and I am now seeking to bring the measure to the floor the following day. I am pleased to discuss it further.

There were some additional complications arising out of other matters, particularly with respect to getting final approval of the child care conference, which were resolved yesterday. That is a matter on which I have had discussions with the distinguished Republican leader, with the President, and many others over a period of time.

I am glad to get into such detail as the Senator desires in that regard. We are now trying to move this bill. I stated on several occasions we have not met the President's requested timetable. And while I regret that, I do not see that serves as any basis for further delay. That is, I hope we can proceed as soon as we can.

I stated openly, and acknowledge and repeat now, that any Senator is within his or her rights to object to consideration of this measure until Friday, under the Rules of the Senate. That is an appropriate mechanism which has been used frequently by Senators on both sides to make certain they have a chance to study the bill and the report.

It does pose a difficult problem for us, because not only does this delay final action on this bill, but it creates a situation in which the Senate has no other activity pending before it, a matter which I hope to discuss with the distinguished Republican leader shortly.

Mr. SPECTER. If the distinguished majority leader will yield for just a moment, I quite agree there is no point going back over the long history as to where we have been.

I do believe the Appropriations Committee was in a position to have acted earlier and the matter could have been brought up earlier, but all of that was yesterday. I will join the distinguished majority leader in urging my colleagues to move as promptly as possible.

I had occasion to be in Nicaragua and Panama over the recess. I believe there is an urgent need that the U.S. Government respond with the kind of support which we have committed. The Appropriations Committee yesterday voted the full $300 million for the new government, and the Sandinistas are waiting in the wings to point out that the United States is not fulfilling its commitments; it weakens President-elect Chamorro's government. It is something we ought to act on as promptly as possible.

Panama is a similar situation. We had a spirited debate yesterday in the Appropriations Committee, but we did pass by either 15 to 14 or 16 to 13 a $420 million figure for Panama.

What is going on in Panama today is really heroic. In just a very brief time, we have a President and Vice President of that country who have been victimized by brutality. President Endara was smacked across the head with a lead pipe, almost murdered. Vice President Ford was plucked out

of the car with a metal instrument which grabbed him by the shoulder and pulled his tendons out, and he had 22 stitches across his head and 9 stitches across his eye.

Those men, and the gallant other men and women of Panama, are trying to keep that country together. So it would be my hope, whatever differences exist in this body, that we can put them aside procedurally to at least tackle those two items because those nations are waiting and the reputation of this Government is on the line.

When I have been asked why the Senate has not responded to the House bill and I start to go through the various matters which have been alluded to, the listener does not understand it, and after a while I do not understand it either. So I just hope we could sweep the underbrush aside, wherever we have it, and move forward as promptly as possible to complete action on this bill.

Mr. MITCHELL. I thank my colleague.

Mr. DOLE. Mr. President, if I might say one thing, it may not be possible, but if we can get an agreement on this side to proceed almost immediately, if the committee amendment on page 57, lines 5 through 10, can be withdrawn—that is the controversial abortion language I referred to, something the President certainly did not request; it does impede progress as far as getting money to Panama and Nicaragua, if we withdraw that part, then it could be offered on the floor where we would have a chance to debate it. I do not think we have any objection to that. If the votes are there, it can be put back in the bill. That is a possibility.

Mr. MITCHELL. I appreciate the suggestion, and, of course, will discuss it with the chairman.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business until the hour of 3:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER (Mr. ROBB). Without objection, there will be a period for morning business for 1 hour, to extend until 3:30, with Senators permitted to speak therein for up to 5 minutes each.

The Senator from New Hampshire.

JUDICIAL TAXATION

Mr. HUMPHREY. Mr. President, last Wednesday the Supreme Court rendered a preposterous decision which repudiates a core premise of our system of constitutional democracy. The rallying cry of the American revolution was, "Taxation without representation is tyranny," but in its 5-to-4 opinion in the Missouri versus Jenkins case, the Supreme Court turned back the clock on American democracy. It held that unelected Federal judges can order new taxes and tax increases.

Mr. President, this is the ultimate excess so far at least, of judicial activism. Some 200 years ago the great Chief Justice John Marshall warned us, "the power to tax involves the power to destroy." That is why in our Constitution the framers were careful in the first article to ensure that the power to tax rests squarely, exclusively, solely, unequivocally in the elected legislature.

Only the elected legislature has the power to enact taxes or to raise taxes. Only those who, unlike judges, lifetenured Federal judges, have to stand for reelection periodically have the power to raise taxes. That is why the Supreme Court's approval of judicial taxation is so alarming. It is a decision that demands congressional response.

In the *Jenkins* case, an unelected Federal judge usurped the taxing power in order to fund lavish new facilities for a magnet school. That judge claimed that the construction of an elaborate model United Nations, indoor swimming pool, plush carpets, and the like were necessary to achieve better racial balance in the public schools. This illustrates the basic flaw in the reasoning of those who defend judicial taxation on the grounds that there can be no limits of any kind on judicial power to fashion remedies for constitutional violations.

It enables a judge to assume unfettered power to impose taxes and to undercut State budgetary policy merely by finding a single constitutional violation in a single case.

Justice Kennedy stated it well in his stinging dissent from the Court's approval of judicial taxation in which he was joined by three other Justices. He said, accurately, the ruling is "an expansion of judicial power beyond all precedent." He further stressed that "today's casual embrace of taxation imposed by the unelected, life-tenured Federal judiciary disregards fundamental precepts for the democratic control of public institutions."

Justice Kennedy also explained that the doctrine of judicial taxation approved in the Jenkins case can be applied in a wide variety of other cases involving prisons, hospitals, or other public institutions. For example, Federal courts are now free to order tax increases to fund expanded prison facilities in a large number of States that are under Federal court orders concerning crowded prisons.

In my own State of New Hampshire, we do not have a State income tax because the people have not seen fit to adopt one, but under the Jenkins doctrine, the people be damned; an unelected, lifetime tenured Federal judge can order the enactment of such a tax, against the will of the people, against the will of their elected representatives, whose views will count for nothing if such a judge is of such a mind. A Federal judge could order the State of New Hampshire to adopt a State income tax if he considers it necessary to fund some sweeping constitutional remedy.

Fortunately, Mr. President, Congress is not powerless in the face of this naked usurpation of our powers. We need not stand by idly while the Federal courts usurp the taxing power which, under the Constitution, is ours exclusively.

At the start of this Congress, I introduced S. 34, the Judicial Taxation Prohibition Act. This bill would exercise congressional power under article III of the Constitution by simply providing that the lower Federal courts do not have jurisdiction to order new taxes or tax increases. This is a court-limiting bill, Mr. President. It is the use of that power which the Congress clearly has but a power which the Congress should use only in the rarest circumstances, and this is one such circumstance, a clear-cut case, a flagrant case of judicial usurpation of congressional prerogative, a clear-cut case of judicial excess and arrogance, a dangerous case, may I say. If my time has expired, I ask unanimous consent that I might have another 5 minutes.

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

Mr. HUMPHREY. In this case Mr. President, this limitation on the jurisdiction of the Federal courts is appropriate, reasonable, clearly constitutional, and utterly necessary if we are to be true to our oath to defend the Constitution.

Congress has in other cases limited the remedial jurisdiction of the Federal courts, such as under the Norris-LaGuardia Act, and the Supreme Court unambiguously has acknowledged that the Congress has the constitutional power to do this. It is only a question of whether the Congress wants to acquiesce in taxation by judicial fiat and the imposition of taxes by life-tenured judges or it wishes to take constitutional steps to remedy that usurpation.

The American people surely do not want taxation by judges. Tax burdens are large enough even when they are imposed by elected legislatures. Congress owes the people, it owes posterity, it owes our forebearers, it owes the Constitution prompt action in this matter. We have the power to prevent this new form of taxation without representation, for that is precisely what it is, taxation without representation, and we should exercise that authority promptly.

I urge all of my colleagues, therefore, to join the 21 Senators now cosponsoring S. 34 and urge the Judici-

ary Committee to schedule a hearing forthwith in the matter.

I thank the Chair.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho [Mr. SYMMS].

Mr. SYMMS. Mr. President, I compliment the Senator from New Hampshire. I should like to associate myself with his remarks and ask that, if I am not one of those 21 Senators, to please add me to that list. I stood on this floor yesterday and sponsored legislation with the distinguished Senator from South Carolina [Mr. THURMOND] on this issue. It sounds as though Senator HUMPHREY has been ahead on this for some time now. I compliment him for it.

LITHUANIAN INDEPENDENCE

Mr. SYMMS. Mr. President, I mentioned Lithuania yesterday, but I want to bring it up again today.

First, however, I ask unanimous consent that an essay by William Safire, from the New York Times, on April 23, 1990, "World to Vilnius: Suffer," be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. SYMMS. Mr. President, it appears to me that Americans through silence must not allow what is happening in the Baltics to continue. There are many ways, I believe, we could bring about a worldwide focus of attention on the injustice that is being done to the good people of Lithuania, and probably will soon be done to Estonia and Latvia.

Mr. President, there is the United Nations. If it is to be of any value, why not bring up this subject at the United Nations and focus attention on it? Let us have a debate on it. There is the World Court. The Senator from New York and I discussed that yesterday. In fact, he has introduced legislation which would ask for an advisory opinion of the World Court on the question of Lithuania.

Senator MOYNIHAN made the point on the floor yesterday that Hitler sold Lithuania to Stalin and then Stalin took Lithuania at gunpoint. It probably is not something that would stand up even in the World Court, but certainly it seems it would be appropriate for the United States to press for such recognition and to press for debate.

It seems to me, without aggravating or heightening any tensions between us and the Soviet Union, certainly we could at least recognize and exchange Ambassadors immediately with Lithuania and give those people the recognition they deserve.

Mr. President, there are many other things that could be done, and I will leave that to others, but some have been mentioned today, I think by the distinguished Senator from Colorado: Technology transfers, economic credits, extension of credits, and other things. But for us to do nothing I think will not bode well for us in the future, because, if we here in the United States are unable to even muster enough courage to speak up for freedom, then who in the world, I ask my colleagues, is going to do it? Are we simply so terrorized and frightened by the fact that we have allowed the forces of unilateral disarmament to so weaken us that we are standing captive to the targeting of thousands of nuclear warheads the Soviets have aimed at the United States and we have no defense against? Is that our problem?

No one is saying that. I ask that as a rhetorical question. If that is not our problem, what is it that makes the United States so fearful to stand up for these people who have been forced at gunpoint into an empire which they do not want, and now in their hour of need when they want to get out, with the slightest bit of recognition from us, where are all of our allies in Europe? Is this just another Munich that is taking place before our very eyes? A simple capitulation on principle of our foreign policy?

I urge my colleagues and the administration to rethink the position that this great Nation of ours has with respect to these people in Lithuania and give them the respect and treatment that they so deserve.

Mr. President, I yield the floor.

EXHIBIT 1

[From the New York Times, Apr. 23, 1990]

WORLD TO VILNIUS: SUFFER

(By William Safire)

WASHINGTON.—When an individual becomes a dissident, he or she is seen by the outside world as a hero: a Sakharov or Mandela stirs the conscience of the world. But when a captive nation becomes a dissident, its resistance to oppression becomes an inconvenience to mankind; it is accused of being an impediment to the Big Picture, a threat to worshipers of the idol of Stability.

That is why European industrialists who insisted that the Kremlin would never use its natural-gas pipeline as a weapon are now so silent at the cutoff to Lithuania. (No mask can be worn to protect civilians against the cutoff of natural gas.)

That is why polls say American public opinion treats the reach for independence by the dissident nation to be an annoyance, prefering 2 to 1 that our President continue his policy of paying lip service to the Lithuanian assertion of longstanding independence—while supporting Gorbachev and protecting the summit meeting.

We have been sold a bill of goods. We are told that we have a great stake in the personal success of Mr. Gorbachev; that his success depends on his absolute control of the Kremlin; and that he would lose control to some neo-Stalinist faction if his freeing of Central European nations extended to the three Baltic republics which were grabbed a few years earlier.

The opposite is true. Our interest in Mr. Gorbachev is limited to his ability to withdraw troops from illegally seized nations and to speed the transition to political and economic freedom; his motive to make these reforms is rooted in the fear of the failed system's impending collapse; and by not putting a price on his reversion to command control, we remove a central impetus for the growth of democracy.

Does pressing Mr. Gorbachev to acknowledge the independence of the Baltic states really jeopardize, as White House backgrounders argue, our greater objective of troop withdrawal and missile reduction?

A minority thinks not. We believe that the West's toleration of his decision to make economic war on a conquered nation that now dares to assert its freedom is not merely morally wrong, but geopolitically unsound. It breaks the democratic momentum. Our failure to denounce the threat of "presidential rule"—the euphemism for dictatorship—bolsters the imperious inclinations of the Soviet strongman and undermines sensibly radical reformers.

But Mr. Bush, following isolationist public opinion in the U.S., and under the cloak of "consultation" with European leaders eager to abandon the idea of collective security, is temporizing. The great symbolic dish of the Bush White House kitchen has become the waffle.

In light of this tepid support, what should besieged Lithuanians do?

Negotiating in a vacuum is a non-starter. Offering concessions when the other side answers only with a blockade is taken as weakness rather than reasonableness. The cap of independence has been tossed over the wall; the declaration cannot be undeclared without abject surrender.

Counting on the West for help at the start is another mistake. Our nervous doves (worried about nuclear shakiness of a disintegrating Soviet Union) combine with our ultra-pragmatists (worried about a future charge of "Who lost Gorbachev?") to say: America has other fish to fry.

Armed revolt is not an option: as one Balt told me, "there are no hills here—we cannot do an Afghanistan."

What's left? Suffering and lamentation; sustained resistance and dramatically expressed resentment; refusal to be starved into submission.

Public suffering can be a powerful force, as individual dissidents have demonstrated. Freedom never comes easily, and rarely does it come from outside.

To prick the conscience of the world, Lithuanians will have to do more than line up cars at gas stations. They will have to parade their jobless, show the ravages of Gorbachev's blockade on their children, passively torment their oppressors and become the grim example of the failure of glasnost.

Moscow's no-gas attack is effective, as is occupiers' brutality, the takeover of printing plants and the imposition of a quisling prosecutor.

But relentless resistance in the cause of long-denied independence begets the shame of bystanders; growing shame changes public opinion; and rising outrage could force politicians to offer recognition, a sealift, serious countervailing economic pressure.

Mr. Gorbachev will set the Baltic nations free only if he must. The Balts, by their courage and willingness to suffer, can shame the world into making sure he must.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois [Mr. DIXON].

Mr. DIXON. Mr. President, I am glad to hear my friend from Idaho express his views about the Lithuanian matter.

I came here this afternoon largely because I am concerned there may be a perception in the country that all of us are entirely satisfied with the manner in which the administration is handling this matter to date.

I would like to start by reading parts of an editorial from the Washington Post today, which I think expresses to some extent my view. It is an editorial I am sure my distinguished friend in the Chair has read, entitled "The Lithuanian Case."

It says:

President Bush is proceeding very gingerly in his support of Lithuania and its right to choose its own future. Understatement can be useful in diplomacy, but beyond a certain point the message becomes inaudible. Mr. Bush was careful to say yesterday that he has reached no decision yet on his next steps. He is clearly trying to separate his support for Soviet internal reforms and his encouragement of Soviet arms reductions from any condemnation of the Soviets in the Lithuanian case.

He went on to explain that he's anxious not to do anything that "compels the Soviet Union to take action that would set back the whole case of freedom around the world." That's where he gets into trouble. "Compels" is an odd word to have used, implying as it does that the Soviets would have no choice, implying even that they would be justified in their action. Surely what the president meant was that the Soviets might be tempted to act or to use stern action by him as a justification. It's important not to get caught in the trap of tolerating the Soviet squeeze on Lithuania out of fear that protests might induce the Soviets to do worse. And it is also important not to go on and on about the limitations we feel on our ability to act and how anything we do might have a terrible impact and so forth. It's one thing to accept reality and recognize these limitations on what we might do and the complicated nature of our interests in Eastern Europe. But it's another to wax endlessly on how circumscribed we are. A little more reticence on this point would help.

I ask unanimous consent that the balance of the column be reproduced in the RECORD in full.

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

The administration is considering economic retaliation against the Soviets for their embargo of their oil and gas to Lithuania. But for the present, Mr. Bush says, he is continuing to try to encourage negotiations between the Soviets and the Lithuanians. Negotiations—if they are true negotiations—are desirable, and he is right to press and press hard on this point.

Lithuania sets a towering precedent for the Soviets in dealing with all of their restive minorities and outlying republics. That's the dilemma that faces President Gorbachev: he knows that whatever happens in Lithuania, he's got to be prepared to apply the same rule to all the others who are now talking about independence—not only the other Balts but the Georgians and the Ukrainians and the rest. Forcible repression means a march back to Stalinism and farewell to any hopes for economic reform. But independence for Lithuania leads in the direction of dissolution of the Soviet Union.

The immediate issue is the degree of coercion that the Soviets are applying to the process. By bringing the entire republic of Lithuania to a halt, the Soviets are creating a degree of crisis that will generate something other than a cool atmosphere for long talks. The danger in the United States' muted response so far is that it is susceptible to being misinterpreted as acquiescence, encouraging the Soviets to go farther.

Mr. DIXON. Mr. President, to close, I quote directly, "The danger in the United States' muted response so far is that it is susceptible to being misinterpreted as acquiescence, encouraging the Soviets to go farther."

I will just go beyond that and say this: I agree that infinite caution is required here, but I think we have now advanced to the state where our caution does us a great deal of damage in the eyes of the world. Lithuania, after all, was gobbled up by the Soviet Union 50 years ago. It is a part of the Soviet Union against its will. Mr. President, in as much as the United States has always cherished freedom, we owe Lithuania more than we are doing now. I suspect that others will begin to express this view shortly.

Still, there is something we should do if the Soviet Union is going to begin to put economic strangulation into effect against Lithuania. We have to make some kind of response. I find it absolutely ludicrous for us to carry on trade talks with the Soviet Union to advance that country to a most-favored-nation status while they are carrying on in this manner against Lithuania.

You know, I would go along with the majority of those in this country who believe Mr. Gorbachev is certainly preferable to many others as the leader of the Soviet Union. But to suddenly exalt him and place him in the position where all good things flow from Mr. Gorbachev is utterly ridiculous.

The changes we see today in Eastern Europe, in Poland, and in a lot of other places—are springing more from the breasts of the Lech Walesas and the people like him, than from the desire of Mr. Gorbachev. He is behind the curve, not in front of it. I think we would do well as a Nation to remember this simple fact.

We owe more to Lithuania than we are doing for her now. If I have correctly perceived in the last couple of days a sort of a national sense that we should be quiet now, then I guess this Senator from Illinois is here to say, I am tired of being quiet.

On the night we considered the Helms resolution, I was inclined to vote for it. Others on the floor came to me and persuaded me to do otherwise on the grounds that we should move slowly, that we should give the administration the benefit of the doubt, that we should be reluctant to immediately grant recognition. There were a lot of good arguments. In the end, I did not vote for that resolution and supported and cosponsored instead the resolution unanimously adopted on the next morning, as the Chair will remember.

I have no regret for that.

May I have an additional 2 minutes of time by unanimous consent?

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

Mr. DIXON. I was satisfied, Mr. President, to do that. In regular interviews from that time until this moment I have been reasonably supportive of the administration. As one in leadership on this side of the aisle, I have said repeatedly, politics should end at the water's edge. I do believe that. I think my record here on the floor over the years stands as proof of that belief.

But now we are being overly cautious. We are not responding adequately to the problem there. The people in Lithuania, the 200,000 free Lithuanians in the State of Illinois, Americans generally, and freedom-loving people around the world have a right to demand of us more than total indecision, but an incisive response that we do not see now. I think, Mr. President, this is a critical point. I do not think there is anyone in this body who wants to dash out and do the irresponsible acts that could bring us to some kind of difficulty in the world, but I think all of us here believe we should be taking some responsible action.

The Senator from Idaho touched upon some. I see the Senator from New Hampshire on his feet, I see the Senator from New York stayed on his his feet, there may be others, and there may be a lot of ideas about what we can do. But the point is, the administration should be giving some profound thought to the things we can do to send a powerful message in support of a fine, small nation that has the right to be free, and deserves a better and a more effective policy by the United States to support that right.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York [Mr. D'AMATO].

LITHUANIA

Mr. D'AMATO. Mr. President, I have been accused of being outspoken on the issue of Lithuania. Some said Senator D'AMATO went to Lithuania for publicity. That is true, at the invitation of President Landsbergis, of Lithuania, who, after we discussed that the Soviets indicated they would

not issue a visa said: "I will issue a visa. I will send the Foreign Minister to meet you in Warsaw. But we think it is important that we show the people of Lithuania those who love and cherish freedom have not forgotten us that we are not alone in our struggle."

Then to read his words today where he has likened the response of the West and the United States to the tragedies that befell Europe and the world prior to the outbreak of World War II, where he compared Czechoslovakia to the modern day Lithuania, moved me to speak out once again.

Mr. President, I think Gorbymania is now a national disease. What has happened is that we have allowed ourselves to be so clouded and blinded by Gorby, this wonderful person who has brought us perestroika and glasnost, who is the hope of freedom, that we are powerless to act. It is argued by those who would stand by and do nothing that lurking in the wings are powerful forces that would plunge us into the cold war. Who controls the KGB? Who is it that rivals Mr. Gorbachev? Even those who hold him in the greatest esteem would acknowledge that he controls the KGB, and the army, lock, stock, and barrel, so we have one or two of the so-called hardliners who may hold Gorbachev's power at risk.

Mr. President, why is it that we have had the Soviets turning to the West, making concessions to the people who are demanding freedom? It is because communications today have shown them that their system is bankrupt, and the people throughout the world do not live for the state but have a basic right of freedom. They yearn and crave for it, and they stretch for it. The Communist system has demonstrated its total inability to feed its people and to meet their needs.

I would suggest it was no act of benevolence or charity that lead to Mr. Gorbachev's actions with Poland. Let me suggest to you that one of the great speeches given to the joint session of the Congress was given by Lech Walesa, and the words that he gave to Congress as we sat enraptured by him are as applicable today as they were when he gave that speech on November 15, 1989.

Here is Lech Walesa speaking to the last session of the Congress, speaking of Poland's effort to be free, he said:

In those days, at the beginning, many warnings, admonitions, and even condemnations were reaching from many parts of the world. "What are those Poles up to?" we heard. "They are mad, they are jeopardizing world peace and European stability. They ought to stay quiet and not get on anybody's nerves."

Mr. President, I would suggest that is the same thing that is being said today. He went on further to say:

We gathered from those voices that the other nations have the right to live in comfort and well-being, they have the right to democracy and freedom, and it is only the Poles who should give up these rights so as not to disturb the peace of others.

I have to tell you when I hear and see the editorial writers and the commentators, to one extent or another, they are saying the same thing: "Keep quiet. Do not rock the boat. Do something, but don't do anything."

The most incredible article I ever read—a piece of garbage by Al Neuharth, USA Today's founder—was entitled, "Gorbyache: Those He Fed Now Bite Him." I would suggest that Al Neuharth look at the history books, and tell me when the Soviets fed the people of Lithuania. Those he fed now bite him and then he has a quote, a famous quote, from Edmund Burke: "They will turn and bite the hand that feeds them. * * *"

The article is as follows:

GORBYACHE: THOSE HE FED NOW BITE HIM

(By Al Neuharth)

*"They will turn and bite the hand that feeds them. * * *"*—British statesman Edmund Burke, 1800.

I revisited Moscow last week for the first time in a year and a half.

Then, *glasnost* (openness) and *perestroika* (reform) were new. Most Soviets still were skeptical whether Mikhail Gorbachev really meant they could speak their minds.

Now, most believe he's sincere. And many have marched in the streets to give him hell as a result of it.

As I jogged through Red Square, past the Kremlin and by Lenin's tomb during the ceremonial and colorful 7 a.m. changing of the guard last Wednesday, I wondered:

Is Lenin laughing now?

Or crying?

For it was he who wrote in *Pravda* in 1920, "Why should freedom of speech and freedom of the press be allowed? . . . Ideas are much more fatal than guns."

His successors followed Lenin's line. Guns kept ideas in the closet, until Gorbachev took over in 1985. Since Gorby opened that closet, frustrations long pent up have poured out.

The USA holds sundry similar examples of the suppressed or oppressed overreacting after the shackles come off. Free at last, the temptation is to exercise all that freedom—fully, quickly and sometimes unwisely. Often, it means biting the hand that freed or fed you.

Lithuania is the latest and most ludicrous example. Mostly misunderstood in the USA, misconstrued by many in the media.

There is little more logic to Lithuania being permitted to unilaterally and unlawfully declare its independence from the USSR than there would be for Texas to secede from the USA. Both were grabbed during a war. But both owe much to their modern-day mother country.

Gorby has a right to be livid about Lithuania. The way you might feel about a runaway child, tempted to beat him within an inch of his life.

I hope he will continue to just scold the brat, take away a few privileges, maybe even some necessities, but not beat him up. And forgive.

I know how Gorby feels. In recent years, some people I favored or fostered over a quarter century have turned and bitten my hand. But those bites don't hurt as much if you learn to shake them off, smile and reconcile.

That's my recommended cure for Gorbyache.

"Father, forgive them; for they know not what they do."—The Bible, Luke 23:34.

Some parts of this article bear reflection.

He said there is little more logic to Lithuania being permitted to unilaterally and unlawfully declare its independence from the U.S.S.R. than Texas being allowed to secede from the U.S.A. I wonder what history school he went to? Where did he learn to read and write? Did he not learn about the annexation? Did he not read it, or did he not care, or do the facts not matter? Lithuania was asking illegaly for its independence?

What a perversion of the facts. He says it would be analogous for Texas—this ought to really get them—to secede from the U.S.A. Both were grabbed during a war. But both owe much to their modern-day mother country.

Mr. President, I think that is the kind of logic we see today. He goes on further and gives hype to this Gorbymania. Are we becoming so blinded by our hope for peace? I want peace. I want us to negotiate verifiable treaties as I know the President does. I want to see us compete in the area of economic co-operation, but I do not believe we have the right to sacrifice somebody's freedom.

I do not believe we have the right to say Lithuania today—and Lord knows who tomorrow. I do not believe we have the right to create the myth that he is not using force and aggression. Economic force and aggression in this case can be as powerful and brutal a tool as any tanks coming. This is mowing the people down, and the Soviets are masters of that. They did it to the Ukrainians when 7 million people starved during the so-called Stalin famine.

The Neuharth article goes on and it says, "Gorby has a right to be livid about Lithuania."

I guess the Lithuanian people do not have a right to freedom, a freedom that was taken away by force in 1940. Neuharth apparently feels that Gorbachev has the right to feel about Lithuania the way you might feel toward a runaway child, tempted to beat him within an inch of his life.

What great logic. Incredible. I think the article is most incredible. I cannot believe it. He ends this entire article with a quote from the Bible, Luke 23:34: "Father, forgive them; for they know not what they do."

Mr. Neuharth, at least you have the right, regardless of how illogical, regardless of how perverted and distorted the facts are that you present, to say that. Lithuanian people should

have the same right to call for their freedom. I do not believe that this Nation, a nation that prides itself on its history, a history of immigrants who came to this country from all the various backgrounds from the days of the Pilgrims, to our more recent forefathers who came to escape repression, whether it be religious, whether it be to seek economic opportunity, can ignore the imperatives of history. That is the greatness of this country. We cannot turn our backs nor should we.

Let me conclude, Mr. President, by saying that I am deeply, deeply concerned about the lack of action being taken by this administration. Unfortunately, yesterday's refusal by our President to impose sanctions makes it seem that our call for freedom is nothing more than rhetoric. I say to my President, who I support—and with all due respect—that the struggle for freedom in Lithuania deserves our wholehearted support.

If we have to tell the Soviets there will be no summit because we are not going to trumpet you, Mr. Gorbachev, as a knight in shining armor, then so be it. We cannot again decide who shall have freedom. I think we have to let the Soviets know that we will not improve our economic ties with them until they negotiate with a free and independent Lithuania. I do not understand how saying that is a provocative statement, how saying that could endanger world peace.

Mr. President, until we have the courage to stand and act in this manner, I am afraid that we are a nation that builds its policy on the basis of one man. That is not a sensible way to build our foreign policy.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from New Hampshire is recognized.

THE NEED FOR ACTION ON LITHUANIA

Mr. HUMPHREY. Mr. President, I am struck by the coincidence—and it is a coincidence, for none of this was orchestrated—that within the last half hour or so the Senator from Idaho, the Senator from Illinois, the Senator from New York, and now the Senator from New Hampshire have risen to speak about the inaction on the part of the Bush administration to effectively deal with the crisis in Lithuania.

So the spell of silence has been broken, Mr. President. That spell of silence to which the President has alluded in recent days has been broken. I predict that, notwithstanding Soviet efforts to suppress the cruel news, as reports come out of Lithuania, of men, women, and children suffering because of this cruel Soviet boycott, more and more Senators and Members of the House are going to come to the floor and roundly criticize the administration for its unprincipled policy with regard to this situation.

Mr. President, throughout the last half-century, under 10 administrations, the United States has maintained a principled and determined policy of refusing to recognize the Soviet annexation of Lithuania. We have refused to recognize the annexation for the simple reason that the annexation was the result of a plot involving Hitler and Stalin. We have refused to recognize the annexation because it is and was and forever will be unlawful.

Yesterday, against that history of 10 administrations, the Bush administration dishonored the principled conduct of this country toward Lithuania and the Baltic States. By refusing to respond in any meaningful way to the Soviet bullying of that country, this administration has cruelly let down the Lithuanian people whom it had encouraged as recently as last week to expect moral support from the United States in the form of sanction against their tormentors. Last week, the White House said that it would respond to an oil embargo with sanctions. Yesterday, the President announced he has decided no action is called for at this point. Thus, in 1 week, Lithuanian expectations were raised only to be cruelly dashed a few days later. Who can therefore, blame President Landsbergis for the bitter disappointment which he has expressed?

Mr. President, this Senator, I suppose like so many other Senators, has remained silent over the last several weeks, wishing to give the benefit of the doubt to the President in this difficult matter. But my discomfort has grown week by week. It is no longer a discomfort; it is embarrassment and shame. Are we prepared to let the Soviets destroy the independence movement in Lithuania as long as the process is accomplished slowly? So it would seem, based on White House inaction.

Are we prepared to acquiesce in the Soviet subjugation of the newly elected Government of Lithuania as long as that subjugation is done by embargoes instead of tanks? Apparently so, based on White House inaction.

Are we prepared to accommodate the bludgeoning of the Lithuanian people, including children, as long as the club used is oil embargoes and other embargoes of essential commodities instead of military instruments? So it would seem, based on White House inaction.

Well, Mr. President, we have given the President the benefit of the doubt. We have been patient. We have been silent. But the time for silence is passed. Our response to the Soviet abuse of the people of Lithuania is as unprincipled and as infective as our response to the abuse of the people of China by the Peking Government.

We are asked to be patient. We have been patient. We have been patient on China and nothing good has happened. And we have been patient on Lithuania and nothing good has happened. The time for silence is passed. We are not children. We understand the broad issues at stake in the relations between the United States and the Soviet Union. Everyone understands the importance of continued progress in reforming the Soviet system. Certainly the United States should encourage such reforms. Without any doubt, the United States benefits from such reforms. But the time has come to ask the question, at whose cost do we benefit? It is time to ask the question, at what price do we benefit? It is time to ask the question, at what sacrifice of our principles do we benefit?

Are we prepared to abandon Lithuania in its hour of desperation? Are we prepared to sacrifice the principle that people are entitled to be free? Are we prepared to sacrifice the principle that a nation illegally annexed is a nation that has never lawfully lost its independence? Are we prepared to say that the end justifies the means? Are we prepared to say that Lithuania is after all a small country and therefore our principles do not apply? That is the message. The message is yes. The inaction on the part of the White House sends the answer to those questions in the affirmative.

Mr. President, the Lithuanians are reaching out to us, desperately reaching out to us for moral support. They do not expect an invasion. They do not expect a Berlin airlift. But they would like some shred of moral support. And what have they got? Dashed hopes. Not a shred of meaningful support has been forthcoming. And, therefore, Mr. President, it is not only a time for the end of silence, it is a time for sanctions. It is a time for a principled response to Soviet bullying.

The hard-nosed, selfish pragmatism that has characterized our policy for the last several weeks is unbecoming to this Nation. More and more, it makes us look cynical. More and more, I believe the American people will find their stomachs turning in disgust and shame as reports of human suffering filter out of Lithuania despite Soviet suppression of the news. And that suffering will come. It is only weeks away.

We have treated Lithuania like a nuisance. We have suggested that their yearning for independence is an inconvenience. We have suggested that they be more patient. We have suggested that they postpone their freedom.

Well, Mr. President, it is awfully easy to suggest postponing someone else's freedom; is it not? I wonder what

we would have thought if the Government of France, during our revolution, said, "Get lost, kid, you bother me. I have got bigger fish to fry. Put it off for a few years; then maybe we can attend to it." If that had been the case, we might well still be a colony of the British Empire.

To suggest the Lithuanians postpone the reassertion of their lawful independence is so cynical and self-serving on our part that, frankly, it turns my stomach.

It is time for sanctions, Mr. President. Our colleague from Colorado [Mr. ARMSTRONG] earlier today, in his always masterful fashion, cataloged in great detail the sanctions that are available to us, from small to very large. Therefore, it is not necessary for me to repeat them.

There is no call for belligerence toward the Soviets. But there is certainly a need for a principled response from this administration that matches the commitment expressed by the preceding administrations. It is time to draw a line. It is time to say enough. It is time to start a process of sanctions, modest at first, sterner if needed later.

We have sat still while the Soviets have tied a noose around the neck of Lithuania. We have sat still while Soviet tanks and armored personnel carriers rumbled menacingly through the streets of Vilnius. We have sat still while Soviet soldiers occupied key city buildings. We have sat still while Soviet soldiers dragged away Lithuanian youth resisting an unlawful draft. We have sat still while armed Soviet soldiers seized Lithuania's printing plant, brutally beating those Lithuanians who stood in their way. We have sat still and we have sat still. And now, Mr. President, it is time to stand up. It is time to stand up for principle and it is time to stand up for Lithuania. Enough watching and waiting. It is time for action. It is time for concrete deeds. It is time for sanctions.

Mr. President, I yield the floor.

FLAG DESECRATION AND A 14-YEAR-OLD'S VIEW

Mr. HATCH. Mr. President, I would like to bring the following essay to the attention of my colleagues. This work, written by 14-year-old Kelsey Watkins from my home State of Utah, analyzes the debate on the flag desecration issue. At this time, especially considering recent developments, I thought it would be most appropriate to share this with the Senate. Mr. President, I ask unanimous consent that Kelsey Watkins' essay on flag desecration be printed in the RECORD at this point.

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

Is it or isn't it constitutional to burn the U.S. flag? This is a very controversial question. Recently, the U.S. Supreme Court made the decision that according to the first amendment, Americans have freedom of speech, and according to them, burning the American flag is a freedom of one's expression. This is the beginning of the argument that is still being discussed today.

Many Americans were upset at the new verdict. Doesn't the United States have enough pride in its country to not allow such a disgrace? The U.S. flag is a symbol of freedom, it represents our country. When Betsy Ross created the first American flag, did she or anyone else intend it to be used for burning because we have "freedom of expression?" Did our founding fathers really give us this absurd freedom?

Many citizens of the United States believe that the burning of the American flag is not an expression of free speech. One citizen replied, "The idea that American citizens can burn our country's symbol is imbecilic. The Supreme Court decision that it's an expression of free speech is ridiculous. The verdict is simply an exaggeration of that amendment."

Some Vietnam veterans also had an opinion. Sergeant Major disagrees, "I don't believe it, I just don't believe it! You can go out here and say what you want and I'll back you on it. I don't have to agree with you. But don't touch anything tangible that belongs to the United States, as far as I'm concerned. I fought four wars to protect that right. If that guy [Gregory Lee Johnson] comes down here, I'll probably wind up in jail, 'cause I'm going into combat again."

Another sergeant gropes to express what the flag means to him, "It's very hard to explain. It's like electricity: You can see the results but you can't see the electricity. It's a non-tangible item which is a thought; it's within your heart. I don't know what else I can say. I was brought up that way." Address such a question to the mothers whose sons and daughters make up the more than 58,000 names on the wall who were given the flag that draped the casket of their child. Ask them what the flag means. That's the only thing they got back."

A lasting remark made by Sergeant Major was, "We'll fight to the death to protect your right to say what you want to, but don't desecrate that national symbol."

The U.S. flag to many people is like a religion. Religion is something you live and die for. "The Star-Spangled Banner" is based on the flag. Every verse in it is about the flag. Francis Scott Key was sitting there locked up on a ship, looking out the portholes at the battle that was going on, and the only thing he looked for was a flag; he finally found it, and felt safe.

The veterans at the memorial fought for our flag. Some of the only motivation they had was at night to look up and see the flag still waving. A navy man, Thomas Campbell adds, "There are many wounds that run a lot deeper than people think."

Senator BOB KERREY, a Democrat from Nebraska, agrees with the decision. "There are many patriotic Americans who believe that the toughest but best way to show respect for the flag—to show why we are so different from those in Beijing who massacre protesters—is to protect even the freedom of those who would desecrate this symbol of our freedom."

The Supreme Court held a 5–4 ruling in the Texas case that desecration of the flag was protected under the Constitution's first amendment guarantee of free speech insofar as the act of destroying the flag amounted to communicating a political point of view. Who knows how much longer this ruling will last. It is an unfortunate development in constitutional law that symbolic gestures and physical manifestations have been given that legal credibility and equivalent protections of the written or spoken word.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,866th day that Terry Anderson has been held in captivity in Beirut.

I would also ask unanimous consent that a Washington Post and a New York Times article giving certain details about Robert Polhill's captivity be printed at this point in the RECORD.

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

[From the Washington Post, Apr. 25, 1990]

FREED HOSTAGE DESCRIBED AS "VERY HUNGRY"

(By Marc Fisher)

WIESBADEN, WEST GERMANY, April 24.—Freed hostage Robert Polhill lost 25 pounds and much of his muscle mass during his 39 months of confinement in Lebanon, but stayed sharp by maintaining his sense of humor and his anger at his captors, an Air Force doctor said today.

Polhill continued to eat ravenously on his second day away from the Shiite hostage takers who had fed him irregularly and poorly. He is eating four meals a day and has made special requests for spare ribs, as well as for a pair of decent shoes.

"For a man who is 55, he looks a good deal older," said Col. Kenneth Koskinen, the Air Force surgeon who has been treating Polhill. "The man is just malnourished and very hungry. He's essentially emptying our kitchen."

Koskinen said Polhill "has significant muscle wasting," a result of having been kept from most exercise for such a long time, but is in good spirits. "He was very angry and is still angry. He said it was very difficult to channel that anger."

Despite the uncertainty of his situation, his complete isolation from the outside world and persistently uncomfortable conditions, Polhill never thought he would be killed, U.S. officials here said.

In the past three years, Polhill and his fellow hostages were given reading matter only rarely (he once got a copy of the British magazine the Economist). They had nothing with which to divert themselves other than each other's company and playing cards supplied by their captors.

Today, Polhill spent several hours with State Department debriefers, who were eager to find out about his fellow hostages and about the conditions in which he was kept. He also spent private time with his wife and two sons, who arrived this morning from the United States.

Although Polhill seems clear and level-headed now—surprisingly so, doctors say—it is still far too early to know if he will suffer from the post-stress syndrome of depression and fatigue that has affected many former hostages. Many effects of a long period of confinement take "several years" to emerge, Koskinen said.

The former accountant, who was a business professor at Beirut University College when he and three other instructors were

kidnapped in January 1987 by pro-Palestinian terrorists posing as campus police, will heal physically quite quickly, doctors say. "In three months, you probably won't recognize him," Koskinen said.

Polhill, who came out of captivity knowing nothing about events of the past three years, has peppered the hospital staff with questions. He wanted to know who won the World Series and Super Bowl over the last few years. He had to be told that the Berlin Wall had fallen. And it was unclear today whether he knew whom he was going to be speaking with when he was told Sunday that he would have a phone conversation with the president of the United States.

Polhill is said to be deeply concerned about the future of his fellow hostages, especially Alann Steen and Jesse Turner, the Beirut University College instructors still being held, with whom he shared a room for most of his captivity.

In his initial conversations with U.S. officials, Polhill has said that although he and his fellow captives were moved frequently from one location to another, they were always kept together in windowless rooms under constant guard. They never knew whether it was day or night.

U.S. officials here said that Polhill, Steen and Turner were almost certainly kept in various places in Beirut, possibly in a building with other hostages. But officials could not say which other hostages were involved, nor even if they were Americans.

Neither Polhill nor officials here have come up with any explanation of why his captors, the Islamic Jihad for the Liberation of Palestine, chose Polhill to set free at this time.

U.S. officials here said that although Polhill has cooperated with State Department debriefers, he has measured his willingness to talk against his fear that giving away details could harm his friends in captivity.

"He is very aware that if he says something negative, it could have a negative impact" on Steen and Turner, Koskinen said.

That is also one reason why Polhill has not spoken to reporters here. Polhill, who is still speaking in the low, thin voice that his captors required, plans to stay in Wiesbaden for several more days.

[From the New York Times, Apr. 25, 1990]

HOSTAGE WAS HELD IN A BUILDING WITH OTHER CAPTIVES, U.S. SAYS

WIESBADEN, WEST GERMANY, April 24.—Robert Polhill spent most of his captivity in a room with two fellow hostages and probably in the same building that held other Western captives in Lebanon, United States officials said today.

Some details of Mr. Polhill's captivity emerged as a team of American investigators began questioning him today about what he knows of other captives in Lebanon and the Shiite Muslim militants who hold them.

The 55-year-old business professor was reunited with his two sons today for the first time in more than three years.

Mr. Polhill, a New Yorker, has been staying at the American Air Force Hospital in Wiesbaden with his wife, Feryal. His sons, Stephen, 26, and Brian, 23, arrived this morning from the United States.

HOSTAGES MOVED REGULARLY

American officials, who asked not to be identified, said Mr. Polhill, was held in the same room with the American educators Jesse Turner, 42, of Boise, Idaho, and Alann Steen, 51, a Boston native. All three were seized on Jan. 24, 1987, from the American University in Beirut campus, where they had taught.

"There's a possibility he was held in the same building with other hostages," an American officials said. "We're fairly certain of that."

The official said he did not know which of the 17 Westerners still in captivity might have also been held in the building. Seven Americans are among those held.

"We know from various sources where the hostages have been held," the official said, explaining that they were moved regularly.

And a London newspaper, The Independent, reported that several dozen Shiite prisoners held in southern Lebanon by an Israeli-backed militia would be released in the next few days as part of a deal that resulted in Mr. Polhill's release. Militia officials said Monday that its leader would decide today whether to free some of the group's 300 prisoners to mark the end of the Islamic Ramadan fast.

Mr. Polhill will spend several more days at Wiesbaden before returning to the United States, the hospital's medical director, Col. Kenneth R. Koskinen, said.

In Lebanon, a pro-Syrian militia leader said today that he was working for the "speedy release" of two kidnapped Swiss Red Cross workers.

The leader, Mustafa Saad, who heads the leftist Sunni Muslim Popular Liberation Army that controls the southern port of Sidon, told reporters. "We're in contact with several parties concerned to ensure the speedy release of the Swiss captives."

The two Swiss, Emmanuel Christen, 33, and Elio Erriquez, 24, were kidnapped by unidentified gunmen on Oct. 6. The police and other security sources blamed the Palestinian terrorist Abu Nidal, whose group has denied the accusation.

SUBSTANCE ABUSE DURING PREGNANCY ACT

Mr. WILSON. Mr. President, yesterday I introduced legislation, the Substance Abuse During Pregnancy Act of 1990, S. 2505. I learned this morning that the bill inadvertently was not printed in the RECORD.

Therefore, I rise today to ask unanimous consent that the Substance Abuse During Pregnancy Act of 1990 be printed in the RECORD in full.

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

S. 2505

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 "Substance Abuse During Pregnancy Act of 1990".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

(2) SUBSTANCE ABUSE.—The term 'substance abuse' means the use of controlled substances, as defined in schedules I and II of section 202 of the Controlled Substances Act (21 U.S.C. 812), the possession or distribution of which is unlawful under such Act, or excessive or injurious ingestion of legal substances, including alcohol.

(3) SUBSTANCE-ABUSED INFANT.—The term 'substance-abused infant' means an infant who is born addicted or otherwise injured or impaired by the substance abuse of its mother.

SEC. 3. TREATMENT.

Section 509F of the Public Health Service Act (42 U.S.C. 290aa-13) is amended to read as follows:

"SEC. 509F. GRANTS FOR SUBSTANCE ABUSE TREATMENT.

"(a) DEFINITIONS.—As used in this section:

"(1) EDUCATION AND SKILL-BUILDING SERVICES.—The term 'education and skill-building services' means services for pregnant and post partum women who have completed substance abuse treatment, to prepare the women to care for and support their children in an environment free of drug and alcohol abuse.

"(2) OUTREACH ACTIVITIES.—The term 'outreach activities' means services that identify substance-abusing pregnant and post partum women for prenatal health and substance abuse treatment, encourage the women to seek prenatal health services and substance abuse treatment early in their pregnancy, and educate the women about the risks of substance abuse during pregnancy.

"(3) POST-TREATMENT SERVICES.—The term 'post-treatment services' means services that reduce the risk of recurrence of drug and alcohol use by pregnant and post partum women who have successfully completed substance abuse treatment programs.

"(4) SUBSTANCE ABUSE.—The term 'substance abuse' means the use of controlled substances, as defined in schedules I and II of section 202 of the Controlled Substances Act (21 U.S.C. 812), the possession or distribution of which is unlawful under such Act, or excessive or injurious ingestion of legal substances, including alcohol.

"(5) SUBSTANCE-ABUSED INFANT.—The term 'substance-abused infant' means an infant who is born addicted or otherwise injured or impaired by the substance abuse of its mother.

"(6) SUPPORT SERVICES.—The term 'support services' means child care, transportation, and other services that enable substance-abusing pregnant and post partum women and their infants to participate in treatment programs.

"(b) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, shall make grants to eligible entities to provide inpatient, outpatient, and residential substance abuse treatment programs for substance-abusing pregnant and post partum women and their infants.

"(c) USE OF FUNDS.—An entity may use grants under subsection (b) to provide, arrange for the provision of, or refer individuals to—

"(A) services for substance-abusing pregnant and post partum women, including—

"(i) substance abuse treatment services;

"(ii) support services;

"(iii) education and skill-building services;

"(iv) prenatal and post partum health care services;

"(v) outreach activities; and

"(vi) post-treatment services; and

"(B) services for substance-abused infants and siblings of substance-abused infants that reduce or eliminate the impact of substance abuse on children, including intervention, treatment, or rehabilitation services.

"(d) GRANT AWARDS.—

"(1) CONSIDERATIONS.—In making grants under subsection (b), the Secretary—

"(A) shall ensure that the grants are reasonably distributed among projects that provide inpatient, outpatient, and residential treatment;

"(B) shall ensure that at least 40 percent of amounts available during any given fiscal year will be made available for residential treatment programs in which at least 60 percent of substance-abusing pregnant and post partum women receiving services are in treatment by order of a court of law or other appropriate public agency; and

"(C) may distribute grants to projects in which the children of substance-abusing pregnant and post partum women remain with their mothers during treatment.

"(2) CONSTRUCTION.—Nothing in this section shall be construed to permit the Secretary, in the awarding of grants under subsection (b), to discriminate against applicants that propose or provide inpatient, residential, or outpatient rehabilitation services under applicable requirements of State law, including applicants that provide services to substance-abusing pregnant and post partum women that receive treatment by order of a court of law or other appropriate public agency, so long as all such applications shall include measures that encourage substance-abusing pregnant and post partum women to seek prenatal care and rehabilitation.

"(e) APPLICATION.—In order for an entity to be eligible for a grant under subsection (b), the entity shall submit an application to the Secretary at such time, in such manner, and containing such agreements, assurances, and information, as the Secretary determines to be necessary to carry out this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000,000 for each of the fiscal years 1991 through 1995.".

SEC. 4. TRAINING.

Part A of title V of the Public Health Service Act is amended—

(1) by redesignating section 509G (42 U.S.C. 290aa-14) as section 509H; and

(2) by inserting after section 509F (as added by section 3 of this Act) the following new section:

"SEC. 509G. TRAINING OF HEALTH CARE PERSONNEL.

"(a) DEFINITIONS.—As used in this section:

"(1) SUBSTANCE ABUSE.—The term 'substance abuse' means the use of controlled substances, as defined in schedules I and II of section 202 of the Controlled Substances Act (21 U.S.C. 812), the possession or distribution of which is unlawful under such Act, or excessive or injurious ingestion of legal substances, including alcohol.

"(2) SUBSTANCE-ABUSED INFANT.—The term 'substance-abused infant' means an infant who is born addicted or otherwise injured or impaired by the substance abuse of its mother.

"(b) ESTABLISHMENT.—The Secretary shall make grants to eligible institutions to enable the institutions to train health care personnel to identify substance-abusing pregnant and post partum women and substance-abused infants.

"(c) APPLICATION.—To be eligible to receive a grant under subsection (b), an eligible institution shall submit an application to the Secretary—

"(1) that contains a plan for training individuals to recognize the signs and symptoms of alcohol and drug abuse by pregnant women;

"(2) that contains a plan for training individuals to recognize in newborn infants the signs and symptoms of fetal alcohol syndrome, physical drug dependency, or other congenital conditions caused by prenatal drug and alcohol exposure;

"(3) that contains a plan for development of appropriate curricula and materials for the training described in paragraphs (1) and (2);

"(4) at such time and in such manner as the Secretary determines necessary to carry out this section; and

"(5) that contains such agreements, assurances, and information as the Secretary determines necessary to carry out this section.

"(d) ELIGIBLE INSTITUTIONS.—Institutions eligible to receive a grant under this section shall include schools of health professions, allied health professions, nursing, social work, and public health, and other institutions determined to be appropriate by the Secretary.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 1991 and such sums as may be necessary for subsequent fiscal years.".

SEC. 5. FOSTER CARE.

Title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 is amended by inserting after section 203 (42 U.S.C. 5113) the following new section:

"SEC. 203A. GRANTS FOR FOSTER CARE PLACEMENT OF SUBSTANCE-ABUSED INFANTS.

"(a) DEFINITIONS.—As used in this section:

"(1) SUBSTANCE ABUSE.—The term 'substance abuse' means the use of controlled substances, as defined in schedules I and II of section 202 of the Controlled Substances Act (21 U.S.C. 812), the possession or distribution of which is unlawful under such Act, or excessive or injurious ingestion of legal substances, including alcohol.

"(2) SUBSTANCE-ABUSED INFANT.—The term 'substance-abused infant' means an infant who is born addicted or otherwise injured or impaired by the substance abuse of its mother.

"(b) ESTABLISHMENT.—The Secretary shall make grants to eligible entities to increase incentives for foster parents to care for substance-abused infants.

"(c) USE OF FUNDS.—An entity may use grants under subsection (b) to—

"(1) conduct outreach activities to recruit foster care parents for substance-abused infants;

"(2) provide financial assistance for costs associated with the care of a substance-abused infant, including medical, educational, and other support service costs;

"(3) offer financial incentives to recruit foster care parents for substance-abused infants;

"(4) provide training to foster parents for the care of substance-abused infants, including training on the special health needs of the infants; and

"(5) conduct other activities that encourage foster care placement of substance-abused infants.

"(d) GRANT AWARDS.—In making grants under subsection (b), the Secretary shall give priority to those applicants that operate in a geographic area where substance abuse has placed substantial strains on social service and law enforcement agencies and has resulted in substantial increases in the need for incentives and services that cannot be provided without funds available under this section.

"(e) APPLICATION.—In order for an entity to be eligible to receive a grant under subsection (b), the entity shall submit an application to the Secretary—

"(1) at such time and in such manner, and containing such agreements, assurances, and information, as the Secretary determines to be necessary to carry out this section; and

"(2) that contains an explanation of reasons why grant assistance is necessary to ensure foster care placements for substance-abused infants.

"(f) ELIGIBLE ENTITIES.—Entities eligible to receive a grant under subsection (b) shall include State agencies, local agencies, community-based organizations that provide foster care placement services for substance-abused infants, health care providers (including hospitals) that provide temporary care to abandoned substance-abused infants, and other appropriate entities that provide temporary care for substance-abused infants.

"(g) GRANT LIMITATIONS.—Total financial incentives and assistance authorized for foster care parents under subsections (c)(2) and (c)(3) shall not exceed in any year the greater of—

"(1) $12,000 per substance-abused infant; or

"(2) the total health care, educational, and other necessary support service costs associated with the care of the substance-abused infant.".

SEC. 6. CHILD WELFARE.

(a) IN GENERAL.—Title I of the Child Abuse Prevention and Treatment Act is amended by inserting after section 107A (42 U.S.C 5106a-1) the following new section:

"SEC. 107B. GRANTS FOR SUBSTANCE ABUSE INTERVENTION SERVICES.

"(a) DEFINITIONS.—As used in this section:

"(1) SUBSTANCE ABUSE.—The term 'substance abuse' means the use of controlled substances, as defined in schedules I and II of section 202 of the Controlled Substances Act (21 U.S.C. 812), the possession or distribution of which is unlawful under such Act, or excessive or injurious ingestion of legal substances, including alcohol.

"(2) SUBSTANCE-ABUSED INFANT.—The term 'substance-abused infant' means an infant who is born addicted or otherwise injured or impaired by the substance abuse of its mother.

"(b) ESTABLISHMENT.—The Secretary shall make grants to eligible entities to enable the entities to identify, monitor, place, and track substance-abused infants.

"(c) USE OF FUNDS.—An eligible entity shall use grants under subsection (b) to improve the delivery of services to substance-abused infants. The entity may use grant funds to—

"(1) provide additional training for personnel responsible for protecting children from substance abuse, including training to recognize the signs and symptoms of alcohol and drug abuse by substance-abusing pregnant and post partum women;

"(2) provide expanded services to deal with family crises created by substance abuse;

"(3) monitor substance-abused infants and siblings of substance-abused infants; and

"(4) establish or improve coordination between the entity administering the grant, and—

"(A) child protection and welfare organizations;

"(B) hospitals and health care providers;

"(C) public health and mental health professionals;

"(D) child advocates;

"(E) public educational institutions and job training agencies;

"(F) community-based organizations that serve substance-abusing pregnant and post partum women and their infants;

"(G) public housing officials;

"(H) public safety and justice services;

"(I) persons who provide shelter to abused and homeless females and families;

"(J) parents and representatives of parent groups; and

"(K) drug and alcohol treatment providers.

"(d) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary—

"(1) at such time, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section;

"(2) that contains an assurance that the entity operates in a geographic area where substance abuse has placed substantial strains on social service and law enforcement agencies and has resulted in substantial increases in the need for services that cannot be met without funds available under this section; and

"(3) that contains an assurance that services provided to substance-abused infants shall be coordinated and comprehensive.

"(e) ELIGIBLE ENTITIES.—Entities eligible to receive a grant under subsection (b) shall include State and local agencies that are responsible for administering protective child services or child abuse intervention services, including agencies responsible for administering foster care, child welfare, child protective services, and child abuse intervention programs.".

(b) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents of such Act (42 U.S.C. prec. 5101) is amended by inserting after the item relating to section 107A the following new item:

"Sec. 107B. Grants for substance abuse intervention services."

SEC. 7. STUDY OF IMPACTS OF SUBSTANCE ABUSE ON INFANTS.

(a) STUDY.—The Secretary shall arrange for a study to—

(1) provide an analysis of the historical development of the problem of substance-abused infants;

(2) determine the number of substance-abused infants born annually;

(3) project the number of substance-abused infants expected to be born through 2000;

(4) determine the impact of substance abuse during pregnancy on infant mortality;

(5) assess the annual costs associated with providing inpatient residential drug treatment to substance-abusing pregnant and post partum women and their infants, including prenatal and postnatal and medical services, drug abuse treatment and education services, crisis counseling services, support group services, parent training services, and child developmental services;

(6) assess annual costs associated with the care of substance-abused infants, including medical, educational, developmental, social, and fiscal costs;

(7) determine the portion of the costs identified in paragraph (6) that are assumed by Federal, State, and local governments; and

(8) project the costs associated with the care of substance-abused infants, as identified in paragraph (6), through 2000.

(b) ARRANGEMENTS.—

(1) APPLICATION.—The Secretary shall request the National Academy of Sciences and the National Institute of Child Health and Human Development to submit applications to conduct the study required by this section.

(2) ORGANIZATION.—If either the Academy or the Institute, but not both, submits an acceptable application, the Secretary shall enter into an appropriate arrangement with the organization that submits the acceptable application. If both the Academy and the Institute submit an acceptable application, the Secretary shall enter into an appropriate arrangement with both organizations. If neither the Academy nor the Institute submits an acceptable application, the Secretary shall request one or more appropriate nonprofit entities to submit an application to conduct the study and may enter into an appropriate arrangement with the entity which submits the best acceptable application.

(3) FUNDING.—The Secretary shall compensate the organization that conducts the study under this section for the actual expenses incurred by the organization in conducting the study.

(4) CONSULTATION.—The organization that conducts the study under this section shall consult with the Director of the National Institutes of Health.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall prepare and submit to Congress a report containing the results of the study conducted under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for fiscal year 1991, to be available without fiscal year limitation.

SEC. 8. STUDY OF DEVELOPMENTAL DISABILITIES AMONG SUBSTANCE-ABUSED CHILDREN.

(a) STUDY.—The Secretary, acting through the National Institutes of Health, shall conduct a study to identify children, including children receiving assistance under the Head Start Act (42 U.S.C. 9831 et seq.), who were exposed to substance abuse during the pregnancy of their mothers. The program shall evaluate the developmental disabilities of the children.

(b) CONFIDENTIALITY.—The Secretary shall keep confidential the identity of the children evaluated in the study conducted under subsection (a).

(c) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall prepare and submit to Congress a report that contains—

(1) the findings of the Secretary with respect to the study;

(2) the recommendation of the Secretary for the most effective methods to ensure the proper development of the children and the costs associated with the implementation of the methods; and

(3) any other information that the Secretary determines appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for fiscal year 1991, to be available without fiscal year limitation.

SEC. 9. STUDY OF TECHNIQUES TO DETECT SUBSTANCE ABUSE DURING PREGNANCY.

(a) STUDY.—The Secretary, acting through the Director of the National Institutes of Health, shall conduct a study to—

(1) describe available testing and screening techniques for detecting substance abuse during pregnancy, and determine the costs associated with administering each technique;

(2) evaluate the effectiveness of urine toxicology screening to detect substance abuse during pregnancy;

(3) compare the effectiveness of alternative testing and screening techniques, including thin layer chromatography and fluorescent polarization immunoassaying technique, with the effectiveness of urine toxicology screening to detect substance abuse during pregnancy;

(4) identify and describe new testing and screening techniques to detect substance abuse during pregnancy, including a description of costs associated with the administration of such new testing and screening techniques; and

(5) provide recommendations as to the most effective testing and screening techniques to detect substance abuse during pregnancy.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall prepare and submit to Congress a report containing the results of the study conducted under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for fiscal year 1991, to be available without fiscal year limitation.

NATIONAL ENDOWMENT FOR THE ARTS

Mr. MOYNIHAN. Mr. President, the op-ed page of yesterday's New York Times contained a disquieting exchange of letters between Joseph Papp, producer of the New York Shakespeare Festival, and John E. Frohnmayer, Chairman of the National Endowment for the Arts.

I have spoken to the subject on this floor in the past, and do not wish to go on in length. Might I simply say that Mr. Papp's letter confirms my objection to legislative proscriptions in the funding of the arts.

Mr. President, I ask unanimous consent that the op-ed article from the Times be printed in the RECORD.

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

[From the New York Times, Apr. 24, 1990]

I'M A PRODUCER, NOT A CENSOR

Since October, recipients of grants from the National Endowment for the Arts have been required by law to sign a pledge that the monies will not be used to produce works that contain "depictions of sadomasochism, homoeroticism, the sexual exploitation of children or individuals engaged in sex acts and which, when taken as a whole, do not have serious literary, artistic, political or scientific merit." On April 9, Joseph Papp, producer of the New York Shakespeare Festival, sent the following letter to John E. Frohnmayer, chairman of the Endowment.

DEAR MR. FROHNMAYER: The fracas over the obscenity issue and N.E.A. grants sprang into sharp focus upon my receiving your letter of approval in response to a New York Shakespeare Festival application for $50,000 toward the cost of our annual Festival Latino.

Your letter pressed me to note that acceptance of this grant was predicated on my observance of the restrictions contained in a recently passed piece of legislation affecting obscenity and N.E.A. grant giving.

I am warned herewith that if any of the works covered by the $50,000 grant to Festival Latino contained some aspect of the enumerated prohibitions (primarily of a sexual nature) the Festival may find itself in violation of its agreement with the N.E.A., if not the law as well. Such violation, though not specifically stated, would produce some punitive action, the least of which being a demand for the return of the grant and possibly being denied any further support from the N.E.A.

As head of a major theatrical institution, I have always cherished my freedom, defending it whenever it was challenged. My privileged right to make my own judgment in choosing this over that and that over this regardless of great varieties of societal pressure have been matters of principle, taste and artistic standards. To be asked, after meeting the tests of 35 years, to yield to circumscription and legislative prohibitions in the most vulnerable and inexplicable area of the arts, its content, is unthinkable, if not downright subversive.

Even if I did submit to the signing of what amounts to a loyalty oath, how am I to decide what others consider obscene? My personal views of what constitutes art and morality, may, and probably do, widely differ from those of the legislators who conceived the obscenity measure. And must I play the censor too, subject all plays and films from Latin America to microscopic scrutiny for some clue to sexual "aberration"? Who knows where sex may be lurking and in what disguise? I have no way of invoking community standards as some would have it. With what yardstick am I to measure the community standards of Rio de Janeiro?

With some dismay I have learned that a number of my colleagues will accept N.E.A. grants despite the restrictive clause in their agreements. The rationale is completely understandable: it is difficult to stand on principle when the need is so great. Further, it seems they are confident that reauthorization of N.E.A. funding will pass, and, in all likelihood, minus the restrictions.

I wish I could share this optimism. Perhaps time will prove this assessment to be correct. At the moment, I have serious doubts that reauthorization can make it through without some accommodation to the foes of N.E.A. I hope I'm wrong.

Right now, we need the $50,000 for the Latin Festival. To obtain this money, I am being asked to be party to a design which, in my opinion, is an abuse of the fundamental ethic in artistic endeavor. I have no desire to grandstand on this delicate issue. I certainly have not the slightest desire to push you into a corner. I do not want to break the law. I do not wish to relinquish the $50,000 grant. I do not wish to go through the motions of "signing" our agreement with the knowledge that I am bound, at one point or other, to violate, unwittingly, the prohibition I promise to observe.

Is this a dilemma, or isn't it?

We need the $50,000 for the Latin Festival, but something in my mind, my throat or my heart tells me not to go along.

What to do, Mr. Chairman? Your comments are eagerly awaited.

Sincerely,

JOSEPH PAPP.

On April 13, Mr. Frohnmayer sent the following reply:

DEAR MR. PAPP: I have your letter of April 9, 1990, and must admit that it causes me great concern. As you know, the law which you are asked to acknowledge was not one of our asking nor one which I thought necessary. Obscenity was illegal prior to that law, and of course is still illegal after it. Our reason for including it in the grant materials was to assure that all of our grantees were aware of this new legislation affecting fiscal year 1990.

With your record of 35 years of extraordinary service to the field and productions which have received artistic acclaim from all corners of the world, I cannot imagine that you would run afoul of this law. I also cannot give you legal advice, however, and suggest that you contact legal counsel to discuss your concerns.

I deeply regret that this language causes such concern. I hope you will be able to accept the grant; it is richly deserved.

Sincerely,

JOHN E. FROHNMAYER.

Mr. Papp has not decided whether he will accept the money.

SOVIET AGGRESSION AGAINST LITHUANIA

Ms. MIKULSKI. Mr. President, I am disappointed by President Bush's decision to defer any sanctions against the Soviet Union.

I have watched with mounting outrage and frustration as the Soviet Union has put punitive pressure on Lithuania, embargoing energy and vital necessities.

In recent weeks Soviet tanks have rolled into Vilnius. Foreign journalists have been expelled. Soviet troops have occupied Communist Party buildings, violently arrested Lithuanian patriots who deserted the army, and forcibly closed a printing press, beating Lithuanians who resisted. Moscow has reinforced KGB border forces and increased Navy patrols off the Lithuanian coast. Now the Soviets have cut off 80 percent of Lithuania's natural gas supplies and 100 percent of crude oil supplies.

Now, I understand the political problems Gorbachev is facing, but there is still no justification for abusing the Lithuanians.

The Soviets have got to get a message from the free world: You cannot keep your empire by the force of your guns. No more Brezhnev doctrine. The peoples of Eastern Europe will not stand for it, and neither will the United States.

And what has Lithuania done to incur such punishment? It wants to be independent once again.

This desire is nothing new. Ever since Lithuania was swallowed up by the Soviet Union in 1940 through the secret and cynical Molotov-Ribbentrop Pact, Lithuania has fought for its independence.

It has resisted the suppression of its national character and traditions.

It has rejected the attempts to "Russify" its population.

It has proclaimed to the world that it is a proud and independent people—not just another province of the Soviet Empire.

Lithuania led the way to freedom in the Soviet bloc.

With the support of the Lithuanian-American community, the patriots of Lithuania, and the other Baltic States, kept the spirit of freedom alive during the dark years of Soviet hegemony.

The United States, to its credit, has always refused to accept the annexation of Lithuania by the Soviet Union. Now more than ever Lithuania needs our support.

We Americans have greeted the revolution in Eastern Europe with loud cheers. And we should. To fully support freedom in Europe, we must now stand shoulder-to-shoulder with Lithuania at this critical hour.

As a Polish-American, I have followed Poland's rebirth with great pride and emotion. I know what the Lithuanians are feeling today.

Both countries have struggled for centuries to assert their unique character and independence. Both countries have been at the mercy of a huge and aggressive neighbor. Both countries have felt abandoned by the rest of the world. Both countries have bred a fierce spirit of grit and, yes, stubbornness in their people.

We Americans have been blessed with peace, freedom and friendly neighbors. It's hard for us to imagine living under the thumb of a foreign power.

Mr. President, I ask you to take a moment today to put yourself in the place of our Lithuanian brothers and sisters. Consider the immense courage demonstrated by Lithuanian patriots over the years, individually and collectively. Pretend that a foreign power has banned the symbols and traditions we hold dear—the Constitution, the "Star Spangled Banner," our many religions, our heterogeneity, our freedom to say whatever we want.

Then ask yourself what price you would pay to restore our national character. And ask yourself whether the United States should sit on the sidelines or stand up for Lithuanian independence.

Some of my constituents have already answered that question. They are raising funds for relief supplies in case the Soviet economic embargo continues. They will rally on the steps of the U.S. Capitol on June 2 while President Bush is meeting with President Gorbachev. They celebrated a special mass last Sunday at St. Alphonsus

Church. They are meeting in Lithuanian Hall in Baltimore to keep abreast of events and find ways to support the movement. They are proposing economic sanctions against the Soviet Union.

My constituents are right. The United States Government has an obligation to support the Lithuanian people. I will support sanctions against the Soviets until they respect Lithuania's right to self-determination, and I hope the President will reconsider yesterday's decision.

The President should also reevaluate the upcoming summit. Should America talk with Gorbachev when Gorbachev will not talk to Lithuania?

BISHOP SAMUEL L. GREEN, JR.

Mr. ROBB. Mr. President, tonight in Newport News, VA, the Jurisdictional Assembly of the Church of God in Christ is joining with religious and community leaders in the peninsula area to celebrate the career of one of Virginia's most distinguished leaders, Bishop Samuel L. Green, Jr.

Tonight's dinner is in appreciation of 30 years of inspirational leadership in service to God and the community. In addition to his duties as 1 of 12 prelates of the Church of God in Christ, a denomination of 3.5 million people around the world, he serves as pastor of 2 churches: St. John's Church of God in Christ in Newport News, and Holiness Tabernacle Church of God in Christ half a State away in Roanoke. He serves his flock in numerous other ways, from presiding over the National Association of Black National Religious Broadcasters to sitting on the steering committee of the North American Congress on the Holy Spirit and World Evangelization.

Bishop Green has used his talents to improve the lot of his community, too. A list of the institutions to which he has given his time and effort would be extensive. Let me just cite a few. He is a life member of the NAACP, a past board member of the sickle cell anemia organization and of the Newport News General Hospital. It was my honor when I served as Governor of Virginia to appoint him to the board of visitors of his alma mater, Norfolk State University. In that position, as in so many others, he serves with dignity, grace, and distinction.

This evening, Bishop Green's family—including his wife Vivian and his nine children—his parishioners, his friends, and his colleagues are honoring a lifetime of dedication. I ask my colleagues to join me in congratulating this distinguished Virginian and in wishing him many more years of service to his faith and to the world at large.

WE CAN FIGHT THE DRUG PROBLEM

Mr. PELL. Mr. President, we so often read and hear stories about the shocking consequences of drug abuse: crime, murders, babies born with drug addictions, homelessness, and far too many lives wasted. Yet we rarely hear about the success stories. Two such success stories were told about Rhode Island this week. North Providence High School and Cranston High School West were each selected as outstanding drug-free schools under the Secretary's Drug-Free Schools Recognition Program.

These awards were established as part of the Federal Drug Free Schools and Communities Act. I was the principal author of this legislation which was first enacted in 1986, and have been the principal author of amendments in 1988 and in 1990 that have insured that the Federal dollar for drug-free schools programs reaches into every school district.

The awards announced this week are cause for great celebration. North Providence and Cranston West were among only 51 schools selected nationwide for this recognition. This is great news for Rhode Island, for Rhode Island's children and for Rhode Island's parents. Two awards for our small State out of 51 awards nationwide is a tremendous accomplishment for Rhode Island. But it is more than celebratory news—it is indication that we have hope of making progress in fighting the drug problem.

I am convinced that the only real way of making inroads in our battle against drugs is that of preventing drug use before it starts. Cutting the supply is critical, but there will be no real victory until we can eradicate the demand. That is why our drug education programs are so important. Early education and prevention programs through our schools are the most powerful weapons we have in our grasp. It is important that these programs emphasize the negative ramifications of drug use. They must teach students about how drugs affect their bodies and ultimately their lives. But this kind of education will have no real toe hold by itself. It must be coupled with educational programs which emphasize the positive—through building self-esteem, or encouraging dedicated involvement in activities such as sports and clubs.

There is an ever-growing commitment on the part of schools, communities, and State and local governments to fight the drug battle on school grounds. Congress has placed this fight at the top of its national concerns. For example, the current Federal Drug Free Schools and Communities Act began in 1986 as a modest initiative. Today, that program is the fourth largest Federal elementary and secondary educational assistance program, providing more than $2.25 million in Federal assistance to Rhode Island's schools.

It is not too alarmist to recognize that all children are vulnerable to the terrible dangers of drug abuse and dependency. But North Providence and Cranston West have proved that this does not have to be the case. I am greatly encouraged by the progress reached by these schools. So while we are overwhelmed by the enormity of the problem, I would urge us all—parents, teachers, students, and all of us who have so large a stake in the fight against drugs—to take the time to celebrate the success that North Providence High School and Cranston High School West have made in this endeavor.

DOD RESEARCH POLICY

Mr. HOLLINGS. Mr. President, on Friday, April 20, the Department of Defense reversed its decades-old policy of supporting high technology. By removing a strong director of the Defense Advanced Research Projects Agency [DARPA] and curtailing DARPA's activities, the Bush administration has made a radical departure in national policy that will leave the country weaker.

During two World Wars and through eight postwar administrations, the defense agencies of this Nation have worked to ensure that the United States is second to none in defense-related technology. DOD has supported a broad range of technologies that have not only given America the most advanced weapons but also helped to create whole new industries such as aerospace and computers that have contributed to economic prosperity as well as military strength.

This established policy rested on two fundamental premises: that the U.S. military must have a technological edge in order to offset the superior numbers and the unpredictable contigencies our forces might face, and that the country must have strong and reliable domestic sources of that advanced technology.

This traditional policy has not been a partisan one. The last administration, like Democratic and Republican administrations before it, understood and supported the idea of a strong defense technology base. Particularly after the Toshiba affair showed the dangers of lagging behind foreign sources of important technology, the Reagan Defense Department moved to strengthen the technology base further. The previous administration particularly recognized that in today's world a nation cannot have strong defense technology without having strong technology in general. Many of the key innovations that the military needs now come from the commercial

sector. The Reagan Defense Department did not assume responsibility for the entire U.S. civilian technology base, nor should it have. But in those selected technical areas where DOD has become very reliant on civilian technology, these officials did support fundamental engineering research. Largely through DARPA, and with strong congressional support, these officials created Sematech and boosted investment in critical dual-use technologies such as high-definition displays.

Until last Friday, DARPA continued this policy inherited from the Reagan administration. But last Friday, the Deputy Secretary of Defense fired Dr. Craig Fields as head of DARPA, apparently because of his continued support for research into dual-use technologies such as high-definition displays. The Bush administration has apparently decided it no longer wants to foster U.S. technological leadership, opting instead to buy its high-definition displays and other advanced technology from foreign sources. Recent history has taught us to be wary about dependence on foreign sources. But that lesson is now being ignored. Moreover, now our Government apparently will use taxpayer defense dollars to strengthen major economic competitors.

I strongly object to this fundamental change in American defense policy. I object to the retreat from our longstanding principle of maintaining strong U.S. technological leadership. I object to a policy shift which will leave this country weaker.

Unfortunately, however, the problem goes even deeper. Firing the head of DARPA is part of a Bush administration pattern. This crowd has slowly begun to show an interest in civilian technology needs, but their overall preference is still to do little or nothing even in the face of large, sustained efforts by the Japanese and Europeans to target the key technologies and industries of the future. Government-industry cooperation in Japan is beating the pants off of us, but many of President Bush's economic and military advisers ignore that success. They prefer their economic world of make-believe, believing, in the face of contrary evidence, that nations can remain technologically and industrially strong without any government involvement. DOD's own reports now show that the United States is losing ground in a wide range of fundamental technologies, but I see little White House concern for the effects that this loss will have for American companies, American jobs, American wealth, and American national security.

President Bush has now been in office for 15 months. His administration has had time to fill major posts, study major issues, and formulate policy. If the President and his senior economic and defense advisers indeed care at all about the long-term technological, military, and economic strength of the Nation, so far they not shown that concern. They certainly have not shown any commitment to reverse our decline, nor have they presented a concrete policy to improve the situation. Now, in fact, they have taken a major step backward with this decision at DARPA. The whole business is a sorry commentary on Government leadership.

Mr. President, through resolute vigilance and action the United States has won the cold war. But it is now losing the economic war, the global contest to determine which countries will control the technologies, industries, wealth, and military capabilities of the future. As early as the 19th century, Japanese leaders spoke of the "peacetime war," and they have waged it with impressive skill and diligence. Today, they are winning the economic contest, and we are losing. Our Government, though, pretends that we are not even in a race.

Mr. President, I do not want to bash Japan; I want to compete with Japan. I do want to bash Washington. The country is ready to roll up its sleeves and get to work, not surrender without a fight. Our business leaders, our scientists and engineers, and our military leaders are all willing to work hard to restore U.S. technological leadership and the pride and national strength that this leadership will bring. But without any show of interest or political leadership from the executive branch, this country will continue to decline. Unfortunately, the Bush White House is more concerned about opposing government than in competing with Japan and Europe.

Firing Craig Fields will please ideologues in the White House and certainly will bring some rejoicing in foreign capitals. But this step can bring only sadness to Americans who care about the future of their country.

LITHUANIA

Mr. NICKLES. Mr. President, I have heard several of my colleagues in the last couple of days make comments concerning Lithuania, and maybe expressing some concern over the lack of action or strong enough action by our administration and by our Government.

I would like to encourage the President to be—I guess I would use the term—"more forceful" in his public announcements dealing with Lithuania. I would encourage him to make some sanctions, maybe limited sanctions, and maybe that would deal with suspension of trade talks with the Soviet Union. Maybe it would deal with temporarily denying exporting certain goods to the Soviet Union, particularly high technology items, certainly any items that might be used in the military complex. I would urge the administration to consider credit to Lithuania, credit for purchasing energy or other items that have been curtailed or embargoed by the Soviet Union to Lithuania.

Likewise, I would encourage the President to publicly encourage our friends and allies to help alleviate the situation, the shortages that will occur in Lithuania. Maybe that is encouraging our friends in Germany; maybe it is encouraging our friends in Norway, Sweden, and others to help supply some of the resources which will be curtailed to the Lithuanian people.

I think it is vitally important that we stand for freedom, and that we acknowledge the valiant and courageous attempt by the Lithuanian people as they strive for independence.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. MITCHELL. Mr. President, for the information of Senators, we are still working, attempting to obtain approval to proceed to the supplemental appropriations bill today. I expect that we will be in a position to know finally whether we will be able to go to it today or not. As I indicated earlier, that requires consent. I hope we will be able to get to it. I would like to act on it as promptly as possible. We should know shortly.

Accordingly, Mr. President, I ask that there be a period for morning business until the hour of 4:15 p.m. with Senators permitted to speak therein for up to 5 minutes each.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. 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. HATFIELD. Mr. President, inquiry of the Chair. We are in morning business for statements, are we not?

The PRESIDING OFFICER. The Senator is correct.

CAPITAL PUNISHMENT

Mr. HATFIELD. Mr. President, very soon the Senate will be considering whether to impose the death penalty for a broad range of Federal crimes.

Some of my colleagues and I plan to oppose this legislation, and we thought it would be useful, prior to floor consideration, to point out some of the weaknesses of the arguments for those who support capital punishment.

Take, for example, the tired old argument that the death penalty is a deterrent. Look at the FBI's latest crime statistics. In 1987, the average murder rate per 100,000 people of the 37 States with the death penalty was 6.94.

Let me repeat that: Those 37 States with the death penalty have an average per 100,000 of 6.94 murders, while the average murder rate in the 13 States without the death penalty, per 100,000, was 5.1. That is 5.1 against 6.94, almost 7.

In 1988, the murder rate in States with capital punishment rose to 7.06, but in those States without the death penalty, it dropped to 4.72.

The facts are clear. The statistics are there, unchallengeable, offered by our own FBI, that capital punishment is not a deterrent. In fact, people living in States with the death penalty are more likely to be murdered, by the statistics of the FBI.

When my colleagues who are in favor of capital punishment trot out this old argument that the death penalty deters violent crime, I hope they will keep these statistics in mind, and I hope they will look at their own States to see whether or not they can speak with accuracy as to their proposal that the death penalty is a deterrent.

There are 37 States, and probably, according to at least the past record of the debate on this floor, most of the advocates come from those States, I hope they will then explain to the Senate why they are advocating the death penalty as a deterrent, when their own State statistics do not bear them out or provide them with the undergirding of accurate data.

Mr. President, we are going to have a series of these minutes on the question of the death penalty from time to time in anticipation of that meeting and major debate in this session. I am very happy to lead it off. We are very happy to have the support of the ACLU and other groups who have great legal expertise and who are providing a great amount of data to argue in opposition to the imposition of the death penalty.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY] is recognized.

Mr. LEAHY. Mr. President, I wish to commend my good and dear friend from Oregon, Senator HATFIELD, on his comments.

I am one of the few Members of the U.S. Senate who has prosecuted murder cases, investigated murder cases, tried murder cases. In a couple of instances, I have even been the target of those who eventually were prosecuted.

The real deterrent to crime is the understanding that one will be caught and prosecuted. The death penalty is not a deterrent; it is the fact that criminals may get caught that is a deterrent.

My State of Vermont has the lowest murder rate per capita of any State in the Union, and it also does not have a death penalty, which goes to the thesis of the Senator from Oregon.

Too often we look for a simplistic way out of these issues. Too often we ask ourselves, "When are we going to stop crime?" Nobody is in favor of crime. We are all opposed to crime. We are all trying to stop the drug traffic. We are all opposed to it. But we look for quick, easy answers and solutions. If there were a quick, easy solution, we would not have a problem with drugs, murder, or crime, because we would have used the quick, easy solution. There is none.

There is good law enforcement. There are well-trained police officers and adequate courts and correctional facilities. And there is also good education, from the time someone first goes into grade school all the way up. There are the efforts to hold families together and to have a decent family life with the proper respect and responsibility and the proper attitudes of parents and children, and vice versa. There is the community infrastructure itself that encourages a moral upbringing.

There are a lot of other things necessary to fight crime. There are efforts to eradicate the driving poverty that will bring some to say, "Let us go in to the sale of drugs, and then we can have that car we could never own otherwise, or those clothes, or dozens of pairs of high-priced sneakers."

Mr. President, these are all issues that have to be addressed in myriad ways, from law enforcement to education, to corrections, to prosecution, to the family, to providing jobs, to health care, to a whole host of other things.

But it has been often said, and I forget who first said it, "For every problem there is a solution that is easy, simple and usually wrong," or something to that effect. The death penalty is an easy, simple and wrong solution to crime. That is why I could not hear the Senator from Oregon speak about the death penalty without commenting, although, I have found in my 16 years here that, when the Senator from Oregon speaks, I usually listen.

Mr. HATFIELD. I thank the Senator.

THE DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL

Mr. LEAHY. Mr. President, the distinguished majority leader was just on the floor, saying that he was going to once again seek unanimous consent, as I understand it, to go to the dire emergency supplemental. I hope that that consent is given to him. I understand that our friends on the Republican side now object to going forward with the supplemental. I think that is a mistake. We have worked hard to get this supplemental up. Yesterday—it was really sort of an extraordinary hour—the Appropriations Committee met under the distinguished leadership of Senator BYRD at 5 o'clock. I think by 7 o'clock we had gone through all of that.

I can address myself to only one part. I am the chairman of the Foreign Operations Subcommittee. The President of the United States has said that he wanted foreign aid for Nicaragua in time for today's inaugural of Mrs. Chamorro, and he wants foreign aid for Panama for next week's visit of President Endara. There is money for foreign aid for Panama. There is money for foreign aid for Nicaragua in that bill.

Some may agree or disagree with the amounts, maybe there will be amendments to change those amounts, but those are issues that we will wait and see. But the fact is we all know that once that supplemental bill passes, there will be money in some amount for Nicaragua, there will be money in some amount for Panama.

I support aid for Nicaragua. I support aid for Panama. I think the majority of Senators support aid for Nicaragua and Panama. But the fact is that the President of the United States cannot tell either Nicaragua or Panama for sure they are getting aid until this bill passes.

The Democrats have made it very clear they are ready to go forward with the supplemental appropriations, and I hope that whoever is delaying it on the other side will change his mind because I think that President Bush is correct in seeking aid. I have had some difference with him on the amount, but he is correct in seeking aid for Nicaragua. He is correct in seeking aid for Panama, and we ought to be prepared to move forward. On this side of the aisle we are. The distinguished majority leader has said he wishes to bring the bill up, and I hope he can.

Now, having said that, let us see where we are. We know that even once this bill is passed it takes a certain amount of time to go to conference with the other body and to bring that

piece of legislation back. Are we going to say, having sent a high-level delegation to Nicaragua today, the check continues to be in the mail? Actually the check has not even come out of the checkbook. Are we going to say, when President Endara comes up next week, we want to get it there for you, but one or two Members are objecting to the aid package even coming up?

Let us bring it up, let us vote it up or vote it down. If anybody does not want the aid, they can vote against it. Or they can vote for it if they want it. But either way, let us do it and get this matter resolved.

As I said before, I support aid to Nicaragua, I support aid to Panama. But I would like to have done it in different amounts at a different rate. Eventually it would involve the same amount, but do it in a way they could absorb it. That is a decision that can be made by majority vote. The majority vote in the Senate would determine what the Senate's position is on the aid, just as in the other body it will determine that, and then the committee of conference will decide the issue. But nothing can happen until we bring it up.

Mr. President, I was supposed to go to the inaugural of Mrs. Chamorro today. I told the Vice President yesterday I regretted not going with him. I thought it was more important to be here on the floor to move this foreign aid package forth. He agreed. So I stayed to do it. We are here; we are prepared. I am prepared certainly to go forward on my part. The majority leader said he is ready to bring the bill forward. We ought to do it.

I might say in that regard, Mr. President, that I commend President Bush for sending Vice President QUAYLE down there to lead the delegation. I think it is a mark of respect to Nicaragua. I would have been proud to have been there with my friend the Vice President at that inaugural. I know he will represent the United States very well and in the highest traditions at that inaugural. But, in the meantime, those of us who stayed to get the meat of the administration's foreign aid package through ought to be allowed to go forward with it.

I state somewhat the obvious, Mr. President, but I hope that Senators will join with the distinguished majority leader when he seeks to bring this bill up. I certainly will. I understand that every single Senator on the Democratic side of the aisle is ready to take this bill up so that we can vote up or down on the President's proposal.

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

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

A NEW BEGINNING IN NICARAGUA

Mr. DOLE. Mr. President, today marks a new beginning in Nicaragua. Just an hour or so ago, the inauguration ceremony for Violeta Chamorro—Nicaragua's first democratically elected President—did begin.

It is a day for celebration. A protracted and bloody war is over. Daniel Ortega goes into a long-overdue retirement from office—to assume the role of, hopefully, constructive opposition. And a government reflecting the will, and pursuing the interests, of the Nicaraguan people finally will have power in Nicaragua.

Mrs. Chamorro, her U.N.O. colleagues, and most of all the people of Nicaragua—they have earned their celebration today, through courage and hard work.

We in the United States also have reason to have our own small celebration. After years of divisive debate, partisanship and—all too often—policy paralysis, the President and the Congress over the past year have forged a common front and an effective policy toward Nicaragua.

Our long support for the freedom fighters, and our joint endeavor of these past months, have paid off. Nicaraguans struggling and working together won their own victory—but we helped, and we can be proud that we did.

So, today, we join in celebrating, too.

Tomorrow, the hard work begins.

As tough as Nicaragua's long struggle for freedom has been, without doubt the task of governing will be tougher still.

Years of war and Sandinista mismanagement have left Nicaragua's society in shambles, its physical infrastructure in ruins, and its economy "belly up."

Thousands of freedom fighters will be returning to Nicaragua, looking for homes and jobs.

Daniel Ortega will turn over the Presidency to Mrs. Chamorro. But it is still not certain that the Sandinistas will turn over all power to the Chamorro government. Nor can we be sure that the Sandinistas will refrain from trying to sabotage the policies and programs of the new government.

In sum, the first months of Mrs. Chamorro's Presidency are almost sure to be a time of crisis and challenge—and perhaps even confrontation.

She has proven herself a leader of courage, dedication and skill. She will need all of those qualities in the days ahead.

And she will also need our help.

I commend the President for his prompt action in sending over $2 million in urgently needed medical assistance.

I am also very pleased that the Appropriations Committee yesterday reported out the supplemental appropriations bill, with the President's requested $300 million in aid for Nicaragua intact. As the Senate knows, there have been rumblings over the past weeks about cutting aid to Nicaragua. Happily, no such effort was made during markup, and I am hopeful no effort will be made on the floor.

And more aid will be needed. We should face up to that fact.

We have a responsibility to be as helpful as we can, in light of our own deep involvement in Nicaragua in recent years. More important, it is in our interest to help—to foster the kind of stable democracy in Nicaragua that will contribute directly to our security interests in this hemisphere.

All of that, of course, underscores again the urgency of addressing the bottom-line problem: How do we find the resources to meet the foreign aid needs of the emerging democracies? Whether we do that in part through the so-called Dole plan to shave earmarks and reallocate the resulting funds, or through even further tapping of the Defense budget, or in other ways—it is an issue that must be addressed, and soon.

In the longer run, though, what is needed most is not aid—but sensible, free market economic policies, and a dramatic increase in investment and trade.

Our aid can help Mrs. Chamorro "jump start" her economy. But only by scrapping Sandinista socialism, relying on the drive and skills of Nicaragua's small but active entrepreneurial community, inviting foreign investment, and stimulating two-way trade, will the country achieve real, sustainable prosperity.

I hope, and believe, that it is Mrs. Chamorro's intention to pursue just that strategy. I believe, if she does, she will find great support from this country—from the President and the Congress.

Mr. President, this is a great day for Mrs. Chamorro, for Nicaragua, and for freedom.

Our warmest congratulations and best wishes go to Mrs. Chamorro, and to all the people of her great country.

It is a new day for them, and for United States-Nicaraguan relations; a day to celebrate. And a day to start preparing for the hard work and the challenges that lie ahead.

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

The PRESIDING OFFICER (Mr. METZENBAUM). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

COURT-IMPOSED TAXES

Mr. DANFORTH. Mr. President, 1 week ago today, the U.S. Supreme Court decided the case of Missouri versus Jenkins. That case involved a school desegregation order by the judge of the Federal District Court for the Western District of Missouri.

The district court judge in trying to carry out school desegregation decided to create in the Kansas City, MO, school district a magnet school system, his theory being that he wanted to have such a standard of excellence in that school district that it would be a magnet to draw people from the surrounding area. Therefore, he determined that the Kansas City School District should have a very elaborate system of upgrading, including, among other things, the installation of a planetarium, the creation of a model U.N. General Assembly together with wiring for simultaneous translation, a 25-acre farm, and the like; all of this being very expensive.

The judge then ordered the imposition of a tax on the people of the Kansas City, MO, School District to sustain this elaborate system. The Supreme Court of the United States held that although the court should not have imposed a tax directly, as a matter, as the court said, of comity, the court could direct that local officials impose the tax notwithstanding prohibitions of State law.

Two days after the Supreme Court decided the case of Missouri versus Jenkins, I, along with Senator BOND and others, introduced in the Senate a constitutional amendment resolution. The thrust of that resolution would be to provide that courts, Federal courts, do not have the power to direct the imposition of taxes.

Mr. President, I want to assure the Senate, and indeed the people of this country, that introducing a constitutional amendment resolution 2 days after the Supreme Court speaks is not a signal of precipitous action on my part. In fact, the issue that was raised by the Supreme Court on Wednesday was more than just 2 days old at the time that the constitutional amendment was introduced.

The issue goes way back, not only to our own Constitution, but well into the roots of American democracy and of the British system of democracy from which our own system springs.

Every schoolchild realizes and is taught at about second or third grade that the fundamental premise of American democracy is, "no taxation without representation." We are taught that as the standard of American democracy. If the American people are to be taxed, they are to be taxed only by those who are elected. If they are taxed, the American people should be able to reelect or throw out of office those who imposed the tax. That is fundamental.

Our own American Revolution was fought over that concept. All of us were taught when we were school-children about the Stamp Act. All of us were taught about the Boston Tea Party. All of us were taught as little children that Parliament, located across the sea, should not have been allowed and was not allowed by our forebears to impose taxes on people on these shores.

The power to tax was one that had to be controlled ultimately by the people so the people could vote for or against those who imposed the taxes. That is fundamental to American democracy.

So when the Supreme Court of the United States decides that a Federal district judge can direct the imposition of taxes, the Supreme Court is turning on its head one of the most basic premises that we hold in this country. Federal judges are not elected by anyone. Federal judges are appointed. The Federal judiciary is created to be outside of the daily pressures of the electorate. They serve for life, and under the Constitution their salaries cannot be reduced.

The taxing scheme, by contrast, is one which is entrusted in the first instance in the House of Representatives. Why the House of Representatives? Because the House of Representatives is that body of the Congress which is closest to the people. That certainly was the case before 1913 when we first had direct elections of the Senate. The House of Representatives was the only directly elected body of Congress and it had the power and still does to initiate all tax legislation.

Taxes cannot be initiated in the Senate. We are thought to be too remote. It is deeply rooted into our constitutional scheme of things that the people have the last word in matters of taxation. But the Supreme Court has taken this expression of American democracy, "No taxation without representation," and transformed it into little more than a quaint relic of our past, something that went out with powdered wigs and hoop skirts and horses and buggies.

So Senator BOND and I have introduced a constitutional amendment to restate what we believe the Constitution said in the first place. Federal judges do not have the power to raise the taxes of the people of this country, directly or indirectly; and there is no difference, Mr. President, whether they do it directly or indirectly. There is no practical difference between raising it yourself and telling somebody else to raise it for you. The effect is the same.

It is not a judicial power and it has nothing to do with the school desegregation case. It has nothing to do with whether or not any of us feel it is a good or bad idea for a school district to have a planetarium or a U.N. General Assembly room wired for simultaneous translation. Even if we assumed that that was a good, it must be, under our Constitution, a good that is beyond the reach of the courts.

(Mr. DECONCINI assumed the chair.)

Mr. DANFORTH. Mr. President, people have said, how then can the court enforce a desegregation order if it cannot order the increase in taxes? Since 1954, when the Supreme Court decided Brown versus Board of Education, the Supreme Court has been entering orders relating to school desegregatoin and it has been doing that without purporting to increase the taxes of the American people.

It is not the power to remedy a constitutional defect that is beyond the reach of the Court, but it is the method of imposing taxes that must be beyond the reach of the Court.

This is an issue that goes way back to the eve of the English Civil War, in the 1620's. Parliament petitioned the king to state the basic limits of the power of the king. One thing that Parliament said in the Petition of Right was, "No person can be called upon for taxes except through common consent in Parliament." The year was 1628, and the Parliament said that the king did not have the power to raise taxes. Parliament only could do that. That was the heritage that then came over to these shores. That was what was in the minds of our people, even before our Constitution was formed. That was what was in the minds of our people when they tossed the tea in the Boston Harbor. We are not going to be taxed by people we cannot vote for. But the Supreme Court, Mr. President, does not agree.

In the Federalist Papers, where the premises of the Constitution were explained, Madison wrote in Federalist No. 48: "The legislative department alone has access to the pockets of the people." The legislative department alone, said Madison, has access to the pockets of the people. That was what we assumed until the Supreme Court decided Missouri versus Jenkins 1 week ago today.

Hamilton, in Federalist No. 33, specifically said, first of all, that the power of taxation is most important among the authorities proposed to be conferred upon the Union. Then Hamilton said that collecting taxes is a legislative power. It is not a judicial power. It is a legislative power.

Mr. President, I do not minimize the difficulty in amending the Constitution of the United States even for an amendment that restates a principle that is older than our country itself; even in enacting an amendment which states what we believe the Constitution said in the first place, that unelected, lifetime Federal judges do not have the power of taxation; even such a simple and direct amendment as that is no easy matter to enact, and for good reason. We do not want a volatile Constitution. We do not want a Constitution that can be changed in a day or a week. We want a process that reflects the careful deliberation of Congress and of the State legislatures and, indeed, of the American people themselves.

So when Senator BOND and I and others introduce this resolution, we recognize that this is not going to be something that will happen immediately. It will take time and it will take debate and it will take discussion and it will take input and it will take the reflection of the American people themselves as to their understanding of the power of the legislative branch and their understanding of the power of the courts.

The most basic constitutional issues always are those that relate to the locus of governmental power: Where does power reside, at what level of government, at what branch of government; not what decisions are made, but who is making the decisions. That is the constitutional argument; not whether we approve or disapprove of the zoo or the planetarium or the United Nations wired for sound; not the specific decision, but who is making the decisions, who is making the decisions to reach into our pockets.

Who is making the decisions to tax our people; legislators or judges, elected officials or unelected officials, those who serve for a term of years or those who serve until they are carried out feet first from Federal courthouses?

It is a matter of grave importance, Mr. President. It is a matter of fundamental significance, and it is my hope that our Judiciary Committee and that Members of the Congress in general and that the American people will participate in a debate which I had believed to be settled, but a debate which has gone on now for at least 350 years.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I ask unanimous consent we be allowed to continue in morning business, and I have a question of my friend and colleague from the State of Missouri.

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

Mr. EXON. Mr. President, I have been listening with great interest to Senator DANFORTH's remarks and tend to agree with him completely. As a nonlawyer and one who does not pretend to be an expert on constitutional law that I know my distinguished colleague from Missouri is, the thought crossed the mind of this layman, while recognizing the separation and divisions of Government in the Constitution—the executive, the legislative and the judiciary—I believe that there have been many instances in the last several years at least that would give one pause for concern; that through their interpretation, the Supreme Court is not directly seeking but has the effect of making the Court superior to the other branches of Government for the several actions that they have taken.

I agree with the Senator from Missouri that it takes a long time to go through the constitutional process. He may well be right in proposing this. After I know a little bit more about it I may, indeed, join with him as a cosponsor.

My question is: Is there anything that we as a Congress, both the House and the Senate, could or should be doing in the meantime, if it is nothing more than sense of the Congress, if we can get it passed, maybe passed unanimously, would there be anything that would abridge any common understandings between the three branches of Government if the legislative branch would send a sense of Congress to the Supreme Court on our feelings on something?

We do not hesitate to do that, I would suggest, with the executive branch from time to time, whether the executive branch is controlled by a Democrat or Republican. We have raised our hackles around here at various times. Would there be anything wrong or improper, or should it be considered that pending the outcome of a lengthy process of passing a constitutional amendment, at least, maybe we should send to the Court some kind of a signal from the legislative body. I do not see how we could hurt much more their trampling on the legislative branch any more than when they get involved in a taxation case, which I think is strictly limited under the Constitution to the Congress.

Mr. DANFORTH. I thank the Senator from Nebraska, Mr. President.

This particular case involves not congressional Federal taxation but instead a Federal court that directs the imposition of a tax at the local level, but it is precisely the same principle of the limitation of the role of the judiciary. The principle, of course, is that judges cannot tax. That really is the very simple issue. Should they or should they not be able to tax, either imposing the tax or directing somebody else to impose the tax. That is the very simple issue.

There are people who believe that Congress can pass simple statutes restricting the Court's ability to put in place judicial remedies, provided that Congress does not limit the Supreme Court but only the lesser courts and provided Congress does not prevent the remedying of the constitutional problem that the Court seeks.

So under that theory, it may well be that the Congress by a simple statute could simply pass a law which says that courts cannot impose taxes. In fact, Senator THURMOND, I know, has introduced a bill which provides just that.

My reason for proceeding with a constitutional amendment, which is obviously much harder than the bill, is to say that protection from judicial taxation is such a fundamental premise, it was incorporated in the Constitution itself, if the Court reads it out of the Constitution, we should put it back into the Constitution.

So for the sake of the immediate remedy, yes, I think it would be possible to pass a simple bill which would handle this direct problem. And if we did it, I would certainly give serious consideration to that legislation. I would also want to proceed with a constitutional amendment, however.

Mr. EXON. That would send a signal to the Court, would it not?

Mr. DANFORTH. Yes, I think, according to the position Senator THURMOND takes, it would do more than send a signal. It would truly limit the Court's jurisdiction.

Now, Congress has tried to do that before. It usually has caused a big uproar because people have argued, well, Congress does not like some specific thing the Court has done, and therefore we try to legislate; we try to pull the rug out from under the Court in an after-the-fact manner.

I am sure that nothing we do would be beyond controversy, but I would, I believe, support a statute, although I have not cosponsored this particular form of statute as yet. I do think though, it should be very clear in the Constitution itself.

Mr. EXON. Do we not have somewhat a similar precedent here with the flag-burning issue? The Senator certainly remembers the discussions we had on that. Our first course of action was to pass legislation and see whether that was valid or not. The Court, as I understand, has said that is not valid. So it is obvious we are going to have a constitutional change.

I was just wondering, though, if possible some kind of a bill or sense-of-the-Senate or something—may cause the Court to do a little rethinking in their action, if not on the measure they originally passed, then on a similar measure that would come up in the future.

Mr. DANFORTH. It probably could be done by statute. It should be done by consitutional amendment. It should be done by one form or another, and my reason for advocating a constitutional amendment again is that the Constitution is fundamentally about grants and limitations and location of power in Government.

I think that if the Court has this wrong, as a matter of constitutional interpretation it is time to set them right.

Mr. EXON. I thank my friend from Missouri.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

THE DEATH OF FRANK J. LAUSCHE

Mr. GLENN. Mr. President, I rise today to honor the memory of a very distinguished former U.S. Senator from Ohio, Frank Lausche.

Frank Lausche's life spans so much of this Nation's advancement. He was born in 1895, earned his own way at an early age when he took a job lighting gaslights on the streets of Cleveland to help his widowed mother and his nine brothers and sisters. He was forced to drop out of high school to support his family, but he never relented in the pursuit of education, completing high school by correspondence while in the Army, and fighting his way to the top of his graduating class at John Marshall Law School in Cleveland at the end of World War I.

He was a man of determination and courage. He gave up dreams of becoming a major league baseball player, as a matter of fact, to dedicate his life to public service.

Frank Lausche lost his early bids for public office. That is something that is hard for us to believe in Ohio because he became such a political institution that we are more inclined to think of the "perpetual Frank Lausche" in Ohio. But he lost his early bids for public office. But that did not stop him.

He soon made his mark in Ohio's political history, first, as a judge in the Cleveland municipal court, then in the common pleas court of Cuyahoga County, Cleveland. Elected twice as mayor of Cleveland, five times as Governor of the State of Ohio, and twice as U.S. Senator, Frank Lausche was a major political power in Ohio for over 30 years.

Senator Lausche was a man of unwavering integrity, strong beliefs, and tender feelings. He earned the trust and support of the people of Ohio by being loyal but tough, independent but honest, and unorthodox but just. He took his public responsibilities very seriously, and stood up for what he believed to be right regardless of the cost to himself.

Frank Lausche served in the U.S. Senate from 1957 until 1969, in the seat that I now have the honor and privilege to hold.

I well remember his excitement when I came to Washington after my orbital space flight back in 1962. He wanted to know all the details, wanted to talk about them, and his life literally spanned gaslight to space flight.

Frank Lausche died last Saturday in Cleveland. I urge my colleagues to join me in expressing sympathy to his friends and family as we mourn the passing of this remarkable politician and great American, Frank J. Lausche, judge, mayor, Governor, Senator—Ohioan.

Thank you.

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

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

Mr. DECONCINI. Mr. President, I ask unanimous consent that I may proceed in morning business to enter a statement on Lithuania.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

LITHUANIA

Mr. DECONCINI. Mr. President, for weeks and months now we have watched the people of Lithuania in their peaceful pursuit of self-determination.

As signatories to the 1975 Helsinki Final Act, both the Soviet and United States Governments have committed themselves to respect the equal rights of peoples and their right to self-determination. While it is clear that the Lithuanian effort to exert this right has put Mr. Gorbachev in a difficult position, we cannot and must not ignore overt denial of this fundamental right.

Mr. President, it should be remembered that Lithuania is not a territory seeking independence, but an occupied country seeking to restore its independence. Lithuania's independent statehood was guaranteed in a 1920 peace treaty with Moscow. This treaty was abrogated by the signing of the Molotov-Ribbentrop pact of 1939, which paved the way for Stalin's illegal annexation and occupation of Lithuania in 1940. The United States and other Western governments have never, despite 50 years of Soviet rule over those territories, recognized Lithuania, Latvia, or Estonia as part of the Soviet Union.

Over the past 2 years, the Lithuanian people have invoked the principle of self-determination and utilized the democratic and organizational opportunities Mr. Gorbachev has made available to make clear their intention to restore de facto what was already theirs de jure. It was no surprise, then, when pro-independence candidates won the vast majority of the seats in the newly restructured parliament elected on February 24 of this year. And it should not have been a surprise when on March 11 the freely elected parliament declared Lithuania to be independent of the Soviet Union. In fact, according to international law and to the United States policy of nonrecognition, the Lithuanian declaration of independence was redundant.

In effect, it was Gorbachev who validated Lithuania's historical claim to sovereignty and who made possible the first free, multiparty elections under Soviet power. Last December, the U.S.S.R. Congress of People's Deputies condemned the secret protocols to the Molotov-Ribbentrop pact. Yet Gorbachev responded to the March 11 declaration with demands for its rescindment, refusing to negotiate with the new Lithuanian Government and, most recently, imposing strict economic sanctions against Lithuania. Having opened the door to the Lithuanians and having offered to usher in democracy Gorbachev now appears to be demanding that the Lithuanian people and their representatives reverse the process which he himself initiated.

We recognize the predicament with which Mr. Gorbachev is faced. The road of reform has been challenging and unpredictable. The many crises which have surfaced include food shortages, conservative and military discontent, and certainly not least, the resurgence of nationalist sentiment among the varied peoples of the Soviet Union.

We cannot offer solutions to all of Mr. Gorbachev's problems—we do not necessarily have these solutions. We can only convey to him our unwavering support of the democratic processes he has promoted. We have respected Gorbachev's political boldness in opening up the process of democratization in the Soviet Union. This process, however, loses its meaning if it is implemented in an arbitrary way. We must—again without offering final solutions—strongly encourage a peaceful and fair process in the resolution of the questions surrounding the de facto restoration of Lithuania's independence.

The Lithuanian Government has repeatedly sought negotiations with Moscow since the March 11 declaration of independence. Acknowledging the reality of the day, they have made clear that they do not expect full independence simply to occur overnight. In

fact, they have offered to negotiate with the Soviets on every issue except that of Lithuania's independence. In response to Soviet concerns, the Lithuanian Parliament has agreed to a moratorium on new independence-related legislation and has offered to compromise on the issues of citizenship, military draft and Soviet-owned property.

Yet Gorbachev remains intransigent. The Lithuanian concessions, it appears, are not enough. Last week Soviet authorities drastically reduced supplies of oil, natural gas, foodstuffs, and other vital goods to Lithuania. Still resolute in their quest for independence, the Lithuanians have responded by rationing these goods and attempting to secure other means of obtaining essential supplies.

Perhaps the most disturbing incident of the past week was the storming by Soviet troops of a printing plant in Vilnius and the severe beating of a number of people in the building at the time. Among those injured was a deputy in Lithuania's recently elected legislature. There can be no justification for this violent suppression of an independent, free press.

Mr. President, as chairman of the Helsinki Commission, I have witnessed first-hand the positive changes of the "Gorbachev era." I join with many of my colleagues here today in recognizing the importance of improving our ties with the Soviet Union. But we must not renounce our values and standards. Our principled stand is in support of the process of self-determination which the Lithuanians have peacefully undertaken. We must expect no less of Mr. Gorbachev than full adherence to the principles of the Helsinki Final Act and the Vienna Concluding Document. If Mr. Gorbachev maintains an uncompromising posture, I believe we are left with no choice but to suspend United States-Soviet trade talks and to postpone next month's summit meeting in Washington.

President Bush, by his weak response to Soviet actions so far, intimates that he would rather give Mr. Gorbachev photo opportunities in Kennebunkport than stand on principle. This is a time for America to let Mr. Gorbachev know that there are values which we will not forsake. Instead, President Bush appears to be paralysed by the fear that our relationship with the Soviet Union will fall apart if we take a principled stand on Lithuania. Apparently our values are not as important as Mr. Gorbachev's prestige. That is not a sound basis for a meaningful relationship under any circumstances.

Gorbachev demonstrated great vision when he began the process of democratization. We urge him now to abide by the process which he has begun and urge him to take the next step and begin a constructive process of dialog.

JERUSALEM AND THE PEACE PROCESS

Mr. MOYNIHAN. Mr. President, thoughtful people can and do disagree about certain aspects of Senate Concurrent Resolution 106 on the status of Jerusalem and the peace process, but I fear that many of those who oppose the resolution have overlooked the fact that the resolution stresses not only that Jerusalem must remain an undivided city, but also that it must be a city in which the rights of every ethnic and religious group are protected. The resolution also expresses the Senate's sincere wish that all parties involved in the search for peace maintain strong efforts to bring about negotiations between Israel and Palestine representatives.

When I introduced this resolution I declared that:

> Israel must make sacrifices for there to be peace in the Middle East. Yet no Israeli Government will join a process which it believes might end with the dismemberment of its eternal capital. No Israeli Government can address the concerns of Jerusalem's Arab inhabitants if addressing these concerns will be construed as suggesting that it is prepared to negotiate away the right of Jews to dwell in security throughout a united Jerusalem.

I believe that our Government must reassure Israel concerning Jerusalem and I also believe that an Israel calmed by such reassurances must increase its efforts to find a creative and meaningful solution to the conflict with the Palestinians.

Yes, the United States Senate called for acknowledgment of Jerusalem as capital of Israel, but it also called for sensitivity toward the rights of every ethnic and religious group in that city and negotiations between Israel and the Palestinians.

In that light I would like to say a few words about the much discussed leasing by a Jewish group of the St. Johns Hospice in Old Jerusalem. This matter is currently before the courts in Israel and both the lower and district courts have ruled that the transaction is invalid under the terms of the building's original lease. In addition, the timing, wisdom, and method of funding of this move into the Christian Quarter have been widely questioned by a broad cross section of political and rabbinic figures in Israel and by most major Jewish organizations in the United States.

The families that moved into St. Johns Hospice may as well have been acting in an illegal fashion and they certainly were acting in disregard to the spirit of sensitivity that we called for in Senate Concurrent Resolution 106. At the same time, this incident dramatically demonstrates the profound difference between Israel and most of her neighbors. On one side, a possibly illegal move into an empty hotel is openly challenged by an unfettered press, publicly debated by Israelis of every religious and political stripe, sharply criticized by Israeli's strongest supporters in this country and is under appropriate review by a judicial system which has long proven itself to be immune to domestic political pressures. On the other side, we have sterile dictatorial rights and silent acquiesence if not actual sponsorship of murder and terrorism as instruments of national policy. Thus, while we may well be disturbed by this most recent incident in Israel, we must remember the context within which occurred, namely a society which has in a very brief period internalized values and procedures which we in the United States have always cherished.

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

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

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. HUMPHREY. Mr. President, as some are aware, there is a very important matter pending on the calendar, the supplemental appropriations bill, which contains appropriations for a host of important programs. A couple of the principal provisions of that bill deal with aid to Panama and Nicaragua, which, of course, are more timely than ever, given the events in that region.

Unfortunately, the bill includes a provision added at the last minute in the committee which seeks to undo the work of the Congress accomplished earlier this year in refusing to authorize the District of Columbia to spend funds raised within the District to pay for abortions. The Senate ultimately blocked the District from spending local funds, and the bill was ultimately signed by the President.

This provision seeks to undo all of that. I do not think it is going to succeed. But it is that provision which is holding up consideration of this bill. It is an important bill. Everyone knows that it is important.

If anyone is of a mind to point fingers or cast blame, it should be pointed and cast in the direction of those who are responsible for this amendment being added to the bill at the last moment, because the President yesterday, before that action took place, through his spokesman, made it perfectly clear that if that language

relative to the District of Columbia were added, the President would veto the bill.

I wanted to cite that passage from a letter of April 19, in which the Budget Director, Richard Darman, says on page 3:

We understand that an effort may be made in the Senate to use H.R. 4404 as a vehicle for modifying the abortion provisions in the fiscal year 1990 District of Columbia Appropriations Act. The President vetoed H.R. 3610, the second D.C. appropriations bill, because of language identical to that which the Senate would consider.

That was the language inserted at the last moment yesterday and is now in the bill on the calendar.

Mr. Darman goes on to say that—

We strongly believe that the appropriations legislation should not be used to reconsider nonemergency issues that were resolved in the regular 1990 appropriations process. If Congress presents the President with the bill that contains the abortion language that was included on H.R. 3610, the senior advisors will recommend that he veto the bill, and I am virtually certain that he would do so.

Well, Mr. President, this Senator has spoken with senior officials at the White House today. Their intent remains the same. They are adamant on the point. And they are not just talking about specific language; their intent to veto is a generic intent, that if anything approaching this language reaches the President's desk, he will veto it.

So that is what is holding up this bill. It is a measure that does not belong on this bill. It is, in fact, legislation on an appropriations bill, so it is out of order on that score; but it does not have any place on this bill, because it is a controversial measure. The authors know it will impede the progress of this bill, and they now know that the President will veto the bill.

So the bill is languishing on the calendar, leadership hoping to persuade the authors to remove that language from the bill. That is what is holding it up. If anybody is of a mind to assess blame for the delay in passing of this important bill, I hope that my remarks will give them some guidance. I thank the Chair.

I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

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

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

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 521, H.R. 4404, the supplemental appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4404) making dire emergency supplemental appropriations for disaster assistance, food stamps, unemployment compensation administration, and other urgent needs, and transfers, and reducing funds budgeted for military spending for the fiscal year ending September 30, 1990, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

[The parts of the bill intended to be inserted are shown in italics, and the parts of the bill intended to be stricken are shown in boldface brackets.]

H.R. 4404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide dire emergency supplemental appropriations for the fiscal year ending September 30, 1990, and for other purposes, namely:

TITLE I—DISASTER ASSISTANCE

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

For additional expenses to meet the present emergency needs for "Flood control and coastal emergencies", $20,000,000, to remain available until expended.

For additional expenses to meet the present emergency needs for "General expenses," $15,000,000, to remain available until expended.

DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For additional expenses to meet the present emergency needs of the Soil Conservation Service, Emergency Watershed Protection Program, [$31,000,000] *$42,000,000,* to remain available until expended.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For additional expenses to meet the present emergency needs of the Agricultural Stabilization and Conservation Service, Emergency Conservation Program, $10,000,000, to remain available until expended.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For additional expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $50,000,000, to remain available until expended.

GENERAL PROVISION

Of the funds made available for any account by any appropriations Act for fiscal year 1990, the amount apportioned to the fourth quarter shall also be available for obligation in the third quarter of fiscal year 1990 where necessary *pursuant to section 1513 of title 31, United States Code.*

TITLE II—SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

[DEPARTMENT OF JUSTICE AND THE JUDICIARY]

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for "Periodic census and programs", $110,000,000, as a contingency reserve for the decennial census, to remain available until expended and to be available only to the extent that appropriations are insufficient to cover unanticipated expenses related to unforeseen events such as lower-than-expected response rates, lower-than-expected employee productivity rates, or natural disasters.

ADMINISTRATIVE PROVISION

Services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population (as determined under regulations prescribed by the Secretary of Commerce) shall not constitute "Federal service" for purposes of section 8501 of title 5, United States Code.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", $15,482,000 to remain available until expended.

ADMINISTRATIVE PROVISION

Notwithstanding any other provision of law, a procurement for the Stuttgart, Arizona, Fish Farming Experimental Laboratory shall be issued by the Administrator of the National Oceanic and Atmospheric Administration or the Director of the United States Fish and Wildlife Service which includes the full scope of the work described in Department of the Interior Task Order No. 89-025, Contract No. 14-16-0009-86-007: Provided, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, ANTITRUST DIVISION

For an additional amount for "Salaries and expenses, antitrust division", $2,500,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses, United States Marshals Service," $7,400,000 to be derived by transfer from "Salaries and Expenses, Federal Prison System".

FEES AND EXPENSES OF WITNESSES

For an additional amount for "Fees and Expenses of Witnesses," $2,600,000 to remain available until expended.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $185,000,000, to remain available until expended, to defray expenses for the automation of fingerprint identification services including planning, site acqui-

sition, construction, and other associated costs.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

The language under this heading in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990, is amended by adding the following: Deposits transferred from the Assets Forfeiture Fund to the Buildings and Facilities account of the Federal Prison System in 1989 may be used for the construction of correctional institutions, and the construction, renovation and repair of Immigration and Naturalization Service and United States Marshals Service detention facilities.

GENERAL PROVISION

The pilot debt collection project authorized by Public Law 99-578 is extended through September 30, 1992.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SECRETARY'S SPECIAL LITHUANIA INDEPENDENCE AND RECOGNITION FUND

For necessary expenses of the Secretary of State exclusively for the purpose of securing the lease or purchase of real property and buildings and paying the salaries and representational expenses of American diplomats and other personnel for the establishment of an American embassy in the independent Republic of Lithuania, $10,000,000 to remain available until expended: Provided, That such property as may be necessary shall be leased or purchased and diplomatic and other personnel be assigned to Lithuania as soon as possible if the United States formally recognizes the independent nation-state status of the Republic of Lithuania.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $63,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", [$28,003,000] *$23,003,000.*

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $700,000, to remain available until expended.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

ADMINISTRATIVE PROVISION

Notwithstanding any other provision of law, the Federal Maritime Administrator of the U.S. Department of Transportation shall transfer to the Government of the Territory of American Samoa a 112 foot vessel to be used by that Government for interisland transportation of cargo and passengers: Provided, That such transfer shall be at no cost to the Government of American Samoa: Provided further, That the Department of Defense shall transport such vessel to American Samoa without reimbursement and any appropriations available to the Department of Defense in the current fiscal year shall be available for this purpose.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,500,000.

ADMINISTRATIVE PROVISION

Section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162) is amended by adding the following provision at the end thereof: ": *Provided further,* That fees made available to the Federal Trade Commission and the Antitrust Division herein shall remain available until expended".

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

PROCUREMENT

PROCUREMENT OF AMMUNITION, ARMY

(INCLUDING RESCISSION)

For an additional amount for "Procurement of Ammunition, Army", $238,000,000, to be used only for the construction of the RDX production facility at the Louisiana Army Ammunition Plant to remain available for obligation until September 30, 1992: Provided, That the Secretary of the Army shall enter into a contract for construction of the RDX facility not later than August 1, 1990: Provided further, That of the funds appropriated under this heading in the Department of Defense Appropriations Act, 1988 (Public Law 100-202; 101 Stat. 1329-51), $238,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For an additional amount for "Research, development, test and evaluation, Navy", $6,000,000 for the Navy Medical Research and Development Command to support the unrelated marrow donor program.

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for "Military Construction, Army National Guard", $9,000,000, to remain available until September 30, 1994.

MILITARY CONSTRUCTION, ARMY RESERVE

For an additional amount for "Military Construction, Army Reserve", $9,000,000, to remain available until September 30, 1994.

GENERAL PROVISIONS

(RESCISSIONS)

SEC. 201. Of the funds provided in Department of Defense Appropriations Acts and Military Construction Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Personnel, Air Force, $104,484,000;

Operation and Maintenance, Army, [$23,305,000] *$143,308,000;*

Operation and Maintenance, Navy, [$38,834,000] *$166,093,000;*

Operation and Maintenance, Marine Corps, [$1,582,000] *$21,236,000;*

Operation and Maintenance, Air Force, [$19,528,000] *$289,308,000;*

Operation and Maintenance, Defense Agencies, [$7,132,000] *$62,056,000;*

Operation and Maintenance, Army Reserve, $896,000;

Operation and Maintenance, Navy Reserve, $209,000;

Operation and Maintenance, Air Force Reserve, $1,190,000;

Operation and Maintenance, Army National Guard, $2,125,000;

Operation and Maintenance, Air National Guard, $2,199,000;

Aircraft procurement, Army, 1990/1992, [$28,600,000] *$16,000,000;*

[Missile procurement, Army, 1990/1992, $50,700,000;

[Procurement of weapons and tracked combat vehicles, Army, 1990/1992, $69,400,000;

[Procurement of ammunition, Army, 1988/1990, $238,000,000;]

Procurement of ammunition, Army, 1990/1992, [$200,000] *$60,000,000;*

[Other procurement, Army, 1988/1990, $23,000,000;

[Other procurement, Army, 1989/1991, $30,000,000;]

Other procurement, Army, 1990/1992, [$68,100,000] *$11,000,000;*

[Aircraft procurement, Navy, 1988/1990, $30,000,000;

[Aircraft procurement, Navy, 1990/1992, $83,000,000;

[Weapons procurement, Navy, 1989/1991, $40,600,000;

[Weapons procurement, Navy, 1990/1992, $21,701,000;]

Other procurement, Navy, 1988/1990, $16,500,000;

[Other procurement, Navy, 1990/1992, $22,378,000;

[Procurement, Marine Corps, 1990/1992, $15,200,000;]

Aircraft procurement, Air Force, 1990/1992, [$138,679,000] *$30,700,000;*

Missile procurement, Air Force, 1989/1991, $25,000,000;

Missile procurement, Air Force, 1990/1992, [$110,820,000] *$176,000,000;*

Other procurement, Air Force, 1989/1991, $17,900,000;

Other procurement, Air Force, 1990/1992, $45,805,000;

[National Guard and Reserve equipment, Defense, 1990/1992, $25,000,000;

[Research, Development, Test and Evaluation, Army, 1989/1990, $5,000,000;]

Research, Development, Test and Evaluation, Army, 1990/1991, [$35,000,000] *$59,000,000;*

Research, Development, Test and Evaluation, Navy, 1989/1990, $5,000,000;

Research, Development, Test and Evaluation, Navy, 1990/1991, [$29,598,000] *$9,000,000;*

Research, Development, Test and Evaluation, Air Force, 1989/1990, $19,900,000;

Research, Development, Test and Evaluation, Air Force, 1990/1991, [$237,542,000] *$31,158,000;*

Research, Development, Test and Evaluation, Defense Agencies, 1989/1990, [$35,000,000] *$18,500,000;*

Navy Stock Fund, $11,000,000;

Air Force Stock Fund, $10,000,000;

Defense Stock Fund, $39,000,000;

Military Construction, Navy, 1989/1993, $10,000,000;

Family Housing, Air Force, 1989/1993, $8,000,000;

Military Construction, Army, 1990/1994, $16,000,000;

Military Construction, Navy, 1990/1994, $10,650,000;

Military Construction, Air Force, 1990/1994, $37,500,000;

Military Construction, Defense Agencies, 1990/1994, $5,810,000;

North Atlantic Treaty Organization Infrastructure, 1990/1994, $21,925,000; and

Family Housing, Air Force, 1990/1994, [$17,800,000] *$36,522,000.*

[(DISAPPROVAL OF DEFERRALS)

[SEC. 202. (a) The Congress disapproves the following deferrals relating to the De-

partment of Defense as set forth in the message from the President transmitted to the Congress on February 6, 1990 (H. Doc. 101-149):

[Deferral No.	Item	Budget Authority
	Department of Defense, Military:	
D90-10	Aircraft Procurement, Army	$16,000,000
D90-11	Procurement of Ammunition, Army	310,000,000
D90-12	Procurement of Ammunition, Army	90,000,000
D90-13	Other Procurement, Army	11,000,000
D90-14	Aircraft Procurement, Navy	200,000,000
D90-15	Weapons Procurement, Navy	13,900,000
D90-16	Shipbuilding and Conversion, Navy	592,398,000
D90-17	Shipbuilding and Conversion, Navy	324,800,000
D90-18	Aircraft Procurement, Air Force	181,700,000
D90-19	Missile Procurement, Air Force	131,000,000
D90-20	Other Procurement, Air Force	70,000,000
D90-21	National Guard and Reserve Equipment, Defense	40,900,000
D90-22	Research, Development, Test and Evaluation, Air Force	100,000,000
D90-23	Research, Development, Test and Evaluation, Defense Agencies	21,000,000
D90-24	Military Construction, Army	3,200,000
D90-25	Military Construction, Navy	16,150,000
D90-26	Military Construction, Army National Guard	18,301,000
D90-27	Military Construction, Air National Guard	36,841,000
D90-28	Military Construction, Army Reserve	16,660,000

[(b) The disapproval shall be effective upon enactment into law of this Act and the amounts of the proposed deferrals disapproved herein shall be made available for obligation immediately upon enactment into law of this Act.]

SEC. 202. Section 9080 of Public Law 101-165 is amended by inserting the following proviso before the period ": Provided, That this provision does not restrict the use of funds for the destruction and disposal of such firearms".

SEC. 203. [(a) The appropriation "Research, Development, Test and Evaluation, Air Force" contained in the Department of Defense Appropriations Act, 1990 (Public Law 101-165) is amended by striking out the proviso following "Small ICBM program:" and ending with "B-1B aircraft:".

[(b) Section 8084 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463) is amended by striking out "$109,895,000" and inserting in lieu thereof "$79,895,000".

[(c) Section 8115 of the Department of Defense Appropriations Act, 1988 (Public Law 100-202) is amended by striking out "$90,895,000" and inserting in lieu thereof "$67,895,000".]

[(d)] Section 8127(b) of the Department of Defense Appropriations Act, 1989 (Public Law 100-463) is hereby repealed.

SEC. 204. (a) For additional amounts for Military Personnel as follows: "Military Personnel, Army", $192,000,000; "Military Personnel, Navy", $240,000,000; "Military Personnel, Marine Corps", $70,000,000; "Military Personnel, Air Force", $278,000,000.

(b) Notwithstanding any other provision of law, on the date of enactment of this Act, unobligated balances available to the Department of Defense from previous Acts making appropriations to the Department of Defense are hereby reduced and cancelled by such sums as necessary to reduce outlays for the Department of Defense by the same amount as increased by the sums provided for military personnel in subsection (a): Provided, That such reductions shall be applied by an equal percentage to the unobligated balances of each program, project, and activity as set forth in section 9046 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165) or other relevant Department of Defense Appropriations Acts: Provided further, That military personnel accounts, as well as programs and activities exempt from sequestration under section 255 of the Deficit Control Act of 1985, as amended, shall be exempt from the uniform reduction required by this section: Provided further, That for purposes of this section, the rescissions of Department of Defense funds contained in this Act shall occur prior to calculating the amounts of unobligated balances: Provided further, That for purposes of applying this section, the Office of Management and Budget shall determine outlays from unobligated balances cancelled under this subsection and provided by subsection (a) by multiplying cancelled amounts under this subsection and amounts provided in subsection (a) by the same first-year outlay rate for each account as was used for the most recent sequestration order under the Deficit Control Act of 1985 as amended.

SEC. 205. (a) Not less than 30 days before a cooperative project agreement is signed or amended on behalf of the United States in conjunction with the NATO Research and Development program, the President shall transmit to the Committees on Appropriations of the Senate and House of Representatives a numbered certification setting forth the text and providing an explanatory statement on the purposes of the proposed agreement or amendment.

(b) Any cooperative project agreement or amendment referred to in subsection (a) shall contain a provision stipulating that United States participation under the agreement or amendment is subject to the availability of appropriated funds.

SEC. 206. (a) Of funds available during fiscal year 1990 under the heading "Research, Development, Test and Evaluation, Defense Agencies", for the NATO Research and Development program—

(1) not less than $12,776,000 shall be transferred immediately upon enactment of this Act to the Defense Advanced Research Projects Agency to finance the advanced neutral networks information processing technologies project; and

(2) not less than $12,224,000 shall be transferred immediately upon enactment of this Act to the Joint Technology Department program.

(b) None of the funds referred to in subsection (a) may be transferred from the AV-8(B) radar development, F/A-18 radar upgrade, medium surface-to-air missile, and multifunctional information distribution system projects.

SEC. 207. Funds available to the Department of Defense during the current fiscal year may be transferred to applicable appropriations or otherwise made available for obligation by the Secretary of Defense to fund the additional cost of pay and allowances, operational expenses and other costs associated with military operations in Panama known as Operation Just Cause: Provided, That funds transferred shall be available for the same purpose and the same time period as the appropriations to which transferred; Provided further, That the Secretary shall notify the Congress promptly of all transfers made pursuant to this authority and that such transfer authority shall be in addition to that provided elsewhere in this Act.

SEC. 208. None of the funds made available by this or any other Act shall be used by the Department of Defense to conduct a Request for Proposal for the development or acquisition of the Real Time Automated Personnel Identification System (RAPIDS) until such time as an operational test and evaluation of Individually Carried Record (ICR) technologies is completed.

SEC. 209. Of the amount appropriated in fiscal year 1990 for Air Force Operation and Maintenance, $29,000,000 shall not be obligated or expended until not less than $7,000,000 is expended as settlement for the pending dispute regarding Contract Numbered F29650-82-C-0201.

CHAPTER III

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $1,609,671,408.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $75,000,000, to support emergency refugee admissions and assistance: *Provided,* That not less than $5,000,000 of the funds provided under this heading shall be available for Soviet, Eastern European and other refugees resettling in Israel: *Provided further,* That funds provided under this heading shall remain available until expended.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for the "United States Emergency Refugee and Migration Assistance Fund", $25,000,000 to remain available until expended.

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE

HAITI

Not less than $10,000,000, of the funds made available in Public Law 101-167 for the purposes of chapter 1 of part I of the Foreign Assistance Act of 1961 *or pursuant to section 515 of such public law,* shall be made available for assistance to Haiti: *Provided,* That any of such funds made available for Haiti may be used for any of the purposes of chapter 1 of part I of the Foreign Assistance Act of 1961 and also may be used to finance critical imports.

HOUSING AND OTHER CREDIT GUARANTY PROGRAMS

[Notwithstanding provisions of Public Law 101-167, during the fiscal year 1990, total commitments to guarantee loans shall not exceed $500,000,000 of contingent liability for loan principal: *Provided,* That of this amount $400,000,000 in commitments to guarantee loans shall be available on or after October 1, 1990, and shall be available only for the purpose of providing housing and infrastructure in Israel for newly arrived immigrants in that country: *Provided further,* That such guarantees for housing and infrastructure in Israel for newly ar-

rived immigrants shall be made available for loans made during or after fiscal year 1991, notwithstanding the limitation contained in the third sentence of section 222(a) of the Foreign Assistance Act of 1961: *Provided further,* That section 223(j) of the Foreign Assistance Act of 1961 (22 U.S.C. 2183(j)) shall not apply to such commitments to guarantee loans for housing and infrastructure in Israel: *Provided further,* That section 222(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2182) is amended by striking out "$2,158,000,000" and inserting in lieu thereof "$2,558,000,000".]

(a) Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended in the undesignated paragraph under the heading "HOUSING AND OTHER CREDIT GUARANTY PROGRAMS"—

(1) by striking out "$100,000,000" and inserting in lieu thereof "$500,000,000";

(2) by inserting after "principal" in the last proviso under such heading the following: ", of which amount $400,000,000 in commitments shall be available during fiscal year 1990 or subsequent fiscal years only for the purpose of providing housing and infrastructure in Israel for Soviet refugees: Provided further, That with respect only to the $400,000,000 in commitments to be made for housing and infrastructure in Israel referred to in the preceding proviso—

"(1) the guarantees shall be made available for loans made during or after fiscal year 1990, notwithstanding the limitation contained in the third sentence of section 222(a) of the Foreign Assistance Act of 1961;

"(2) the guarantees shall be made available for loans in increments of at least $150,000,000 or the amount requested by the borrower, whichever is lesser; and that the Agency for International Development shall review the borrower's actual or planned expenditures to ascertain that such amounts have or will be expended in accordance with the preceding proviso;

"(3) section 223(j) of the Foreign Assistance Act of 1961 (22 U.S.C. 2183(j)) shall not apply to such commitments; and

"(4) fees charged by the Agency for International Development under section 223(a) of the Foreign Assistance Act of 1961 shall not exceed—

"(A) an initial fee of one-quarter of 1 percent of the total amount of commitment authority, and

"(B) an annual fee in an amount not more than one-half of 1 percent of the maximum face value of guarantees which may be issued for any one country in a fiscal year pursuant to the penultimate sentence of section 223(j) of such Act.".

(b) Section 222(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2182) is amended by striking out "$2,158,000,000" and inserting in lieu thereof "$2,558,000,000".

ECONOMIC SUPPORT FUND

PANAMA

For an additional amount for the "Economic Support Fund", $420,000,000, to remain available until September 30, 1991, which shall be made available only for assistance for Panama: *Provided,* That of this amount up to $15,000,000 may be used for a debt-for-nature swap and for immediate environmental needs.

NICARAGUA

For an additional amount for the "Economic Support Fund", $300,000,000, to remain available until September 30, 1991, which shall be made available only for assistance for Nicaragua: *Provided,* That of this amount $30,000,000 shall be for assistance to support the voluntary demobilization, repatriation and resettlement of members of the Nicaraguan resistance and their families: *Provided further, That such assistance may be made available to members of the Nicaraguan resistance who agree to and are abiding by the terms of the cease-fire agreement and the addendum to the Toncontin Agreement signed on April 19, 1990: Provided further,* That such assistance referred to in the previous proviso shall be provided through the International Commission of Support and Verification (CIAV) established by the Secretary General of the United Nations and the Secretary General of the Organization of American States pursuant to the agreement of the Central American Presidents at Tela, Honduras, on August 7, 1989, unless the President notifies the Committees on Appropriations in accordance with the procedures contained in section 523 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990: *Provided further, That up to $8,000,000 of the funds made available by this subsection may be used for environmental activities, including the preservation of tropical forests, promotion of sustainable agriculture, control of pollution, and restoration of the natural resource base.*

ADMINISTRATIVE EXPENSES

Up to $10,000,000, of the funds made available under the headings "Panama" and "Nicaragua" may be used for the purpose of paying administrative expenses incurred by the Agency for International Development in connection with carrying out its functions under such headings.

EVALUATION AND AUDIT

In order to monitor the uses and evaluate the effectiveness of Economic Support Fund programs provided under this Act for Nicaragua and Panama—

(1) the Administrator of the Agency for International Development shall—

(A) submit periodic reports to the Committees on Appropriations on such assistance assessing compliance with specific program objectives with particular emphasis on monitoring commodity import programs and cash transfers for balance of payments and budget support programs;

(B) in cooperation with the governments and nongovernmental organizations receiving such assistance, establish appropriate administrative systems and controls to ensure that the assistance is being used for its intended purposes;

(2) the Inspector General of the Agency for International Development shall, at least semiannually beginning six months from the date of enactment of this Act, audit the Economic Support Fund programs provided under this Act for Nicaragua and Panama to assess the financial management and administrative systems established by the Agency to control such programs, and report to the Committees on Appropriations and the Administrator its findings; and

(3) the General Accounting Office shall submit a report to the Committees on Appropriations not later than January 15, 1992, assessing the effectiveness of the Economic Support Fund assistance provided under this Act for Panama and Nicaragua, emphasizing commodity import programs and cash transfers used for balance of payments and budget support, in meeting stated objectives, the effectiveness of fiscal and administrative controls, and the application of lessons learned from the implementation of these programs to other similar programs administered by the Agency.

CARIBBEAN

For an additional amount for the "Economic Support Fund", $15,000,000, to remain available until September 30, 1991, which shall be made available only for assistance for countries in the Caribbean: *Provided,* That not more than fifty percent of the funds made available by this paragraph shall be allocated to any one country.

[HURRICANE RELIEF AND RECOVERY ASSISTANCE FOR THE EASTERN CARIBBEAN COUNTRIES

[For an additional amount for the "Economic Support Fund", $5,000,000, for countries in the Eastern Caribbean, to remain available until September 30, 1991: *Provided,* That such funds shall be available only for additional hurricane relief, recovery, and rehabilitation assistance for those countries that were victims of Hurricane Hugo.]

SUB-SAHARAN AFRICA

For an additional amount for the "Economic Support Fund", [$25,000,000] *$10,000,000,* to remain available until September 30, 1991, which shall be made available for assistance for [sub-Saharan Africa: *Provided,* That of this amount $10,000,000 shall be for assistance for] Namibia[,-$2,500,000 shall be for assistance for Mozambique, $2,500,000 shall be for assistance for Zambia, and $10,000,000 shall be used to provide assistance, through the National Endowment for Democracy and other groups, to support programs and activities of organizations to encourage negotiations leading to a peaceful transition to a genuine democracy based on universal sufferage within a united South Africa, as follows:

[(a) SUSPENSION OF VIOLENCE.—An organization which has engaged in armed struggle or other acts of violence shall be eligible for assistance under this section only if that organization is committed to a suspension of violence in the context of negotiations to establish a democratic system of government in South Africa.

[(b) PROHIBITION ON USING FUNDS TO SUPPORT VIOLENCE.—In order to receive assistance under this section, an organization must agree that it will not use any of the funds made available to it under this section for the purpose of supporting physical violence by any individual, group, or government.]

SUB-SAHARAN AFRICA DEVELOPMENT ASSISTANCE

For an additional amount for "Sub-Saharan Africa, Development Assistance", [$5,000,000] *$20,000,000,* to remain available until September 30, 1991.

NOTIFICATION PROCEDURES

Prior to each obligation of funds made available for the "Economic Support Fund" and "Sub-Saharan Africa, Development Assistance" in this Act, the Committees on Appropriations of the House of Representatives and the Senate shall be notified in accordance with section 523 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990.

PEACE CORPS

Amounts appropriated under the heading "Peace Corps" by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167), may be made available for activities of the Peace Corps in Czechoslovakia.

EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

Notwithstanding the first proviso contained under the heading "Limitation on Program Activity" under "Title IV—Export Assistance" of Public Law 101-167, the medium-term financing program of the Export-Import Bank shall not exceed the gross obligations for the principal amount of direct loans contained under such heading in Public Law 101-167.

Title IV, "Export Assistance", of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, is amended by inserting after the fifth proviso under the heading "Limitation on Program Activity" the following: "Provided further, That the Bank shall use all amounts appropriated to carry out the interest subsidy program to make commitments to commercial lending institutions and other lenders, subject only to the availability of qualified lenders under the program:".

TECHNICAL CORRECTION

Effective as of November 21, 1989, the 11th proviso under the heading "Migration and Refugee Assistance" in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167, 103 Stat. 1211) is amended by striking "sixth proviso" and inserting "ninth proviso".

CHAPTER IV

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

FIREFIGHTING

For an additional amount for "Firefighting", $176,800,000: *Provided, That these funds shall be obligated fully prior to use of any other funds which may remain available from previous appropriations under this head.*

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management", $1,000,000: Provided, That the Secretary, acting through the United States Fish and Wildlife Service, is authorized to enter into renewable contracts for the payment of reasonable and customary costs for delivery of Newlands Project water rights acquired by the Service to benefit the Federal and State wildlife areas in the Lahontan Valley and the Fernley Sink in Nevada: Provided further, That the costs for delivery shall be those costs normally associated with the delivery of water to Newlands Project lands: Provided further, That the contracts shall be of a term not exceeding 40 years: Provided further, That any such contract shall provide that upon the failure of the service to pay such charges, the United States shall be liable for their payment and other costs provided for in applicable provisions of the contract subject to availability of appropriations and, the Secretary, acting through the United States Fish and Wildlife Service, in accordance with applicable State law, use water diversion, storage, and conveyance systems of Federal Reclamation Projects to benefit Federal and State wildlife areas in the Lahontan Valley and the Fernley Sink in Nevada.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST SERVICE FIREFIGHTING

For an additional amount for "Forest Service Firefighting", [$256,000,000] *$256,700,000.*

ADMINISTRATIVE PROVISION, FOREST SERVICE

Notwithstanding any other provision of law, funds originally appropriated under this head in Public Law 101-121, the Department of the Interior and Related Agencies Appropriations Act, 1990, in the amount of $371,000 for the Forest Service for the construction of an addition to the Starkville, Mississippi, research office shall be available for a grant to Mississippi State University as the Federal share in the construction of a new university facility: Provided, That comparable space shall be provided to the Forest Service without charge for a reasonable period.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

Funds previously appropriated under this head for clean coal technology solicitations to be issued no later than June 1, 1990, and no later than September 1, 1991, respectively, shall not be obligated until September 1, 1991: Provided, That the aforementioned solicitations shall not be conducted prior to the ability to obligate these funds: Provided further, That pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change.

CHAPTER V

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount to carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $7,800,000.

For an additional amount to carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $2,200,000.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for "State unemployment insurance and employment service operations", [$96,000,000] *$99,600,000* from the Employment Security Administration account in the Unemployment Trust Fund, which shall be available only to the extent necessary to administer unemployment compensation laws to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic allocation was based.

EMPLOYMENT STANDARDS ADMINISTRATION

SPECIAL BENEFITS

Such amounts, in addition to appropriations provided under this heading in Public Law 101-166, as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to June 15 of the current year: Provided, That balances of reimbursements from Federal Government agencies under this heading unobligated on September 30, 1990, shall remain available for the payment of compensation, benefits, and expenses through September 30, 1991.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional $700,000 from the Black Lung Disability Trust Fund which shall be available for transfer to Departmental Management, Salaries and expenses, for expenses of operation and administration of the Black Lung Benefits Program as authorized by section 9501(d)(5)(A) of that Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

PROGRAM OPERATIONS

For an additional amount for "Program operations" for health care for the homeless, $2,300,000.

CENTERS FOR DISEASE CONTROL

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for "Disease control, research, and training", $8,000,000, of which $7,000,000 is for measles outbreak control under section 317 of the Public Health Service Act, and of which $23,500,000, to remain available until expended, is for the purchase of a second vaccination for measles immunization.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

The second proviso under the heading "Alcohol, Drug Abuse, and Mental Health" in title IV of Public Law 101-164 is repealed and the amount provided in the first proviso for block grants under the Public Health Service Act is increased by $40,000,000.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

All funds collected in fiscal year 1990 in accordance with section 353 of the Public Health Service Act shall be credited to this account, to remain available until expended, for necessary expenses associated with the survey and certification of clinical laboratories.

FAMILY SUPPORT ADMINISTRATION

PAYMENTS TO STATES FOR AFDC WORK PROGRAMS

(RESCISSION)

Of the amounts available under this head in Public Law 101-166, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1990, to carry out part C of title IV of the Social Security Act, $7,880,000 are rescinded.

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low income home energy assistance", $50,000,000 to remain available until October 31, 1990: *Provided,* That the Secretary shall obligate these funds on the basis of relative need to those States and other entities which promptly supplement their applications under the Act for the current fiscal year demonstrating both a substantial need for and the capacity to expend the additional funds.

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES

HUMAN DEVELOPMENT SERVICES

For an additional amount for carrying out the Head Start Act, $165,685,000.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE HANDICAPPED

Funds appropriated under section 619 of the Education of the Handicapped Act for fiscal year 1989 shall remain available for obligation through September 30, 1992.

[STUDENT FINANCIAL ASSISTANCE

[The amount made available for the 1990-91 award year under this heading in the Department of Education Appropriations Act, 1990, for subpart 1 of part A of title IV of the Higher Education Act, as amended, shall be available first to meet any insufficiencies resulting from the payment schedule for Pell Grants published by the Secretary of Education for the 1989-90 award year.]

RELATED AGENCIES

NATIONAL COMMISSION ON CHILDREN

For an additional amount for the National Commission on Children established by section 9136 of Public Law 100-203, $500,000, which shall remain available until expended.

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

For an additional amount for carrying out the White House Conference on Library and Information Services, established by Public Law 100-382, $425,000, to remain available until expended.

CHAPTER VI

RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

(DISAPPROVAL OF RESCISSION)

The Congress disapproves Rescission Proposal No. R90-1, in the amount of $4,075,000 relating to the Department of Agriculture, Agricultural Research Service, Buildings and Facilities, as set forth in the message of April 23, 1990, which was transmitted to the Congress by the President. The disapproval shall be effective upon the enactment into law of this Act, and the amount of the proposed rescission disapproved herein shall be made available for obligation.

COOPERATIVE STATE RESEARCH SERVICE

Of the $6,004,000 provided in Public Law 101-161 for higher education grants under section 1417(a) of Public Law 95-113, as amended (7 U.S.C. 3152(a)), $250,000 is transferred to Federal Administration for the necessary expenses of Cooperative State Research Service activities, including coordination and program leadership for higher education work of the Department.

BUILDINGS AND FACILITIES

(DISAPPROVAL OF RESCISSION)

The Congress disapproves Rescission Proposal No. R90-2, in the amount of $41,008,000 relating to the Department of Agriculture, Cooperative State Research Service, Buildings and Facilities, as set forth in the message of April 23, 1990, which was transmitted to the Congress by the President. The disapproval shall be effective upon the enactment into law of this Act, and the amount of the proposed rescission disapproved herein shall be made available for obligation.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

For an additional amount for expenses for the Animal and Plant Health Inspection Service, $8,000,000, to remain available until expended.

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For an additional amount for administrative and operating expenses, as authorized by the Federal Crop Insurance Corporation Act, as amended (7 U.S.C. 1516), $15,000,000.

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

For an additional amount for necessary expenses of the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), $4,700,000.

FOOD STAMP PROGRAM

For an additional amount for necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011-2027, 2028, 2029), [$510,000,000] *$705,000,000,* of which $135,000,000 shall be placed in reserve to be used only to the extent that such amount is required during the current fiscal year to meet program requirements.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

For an additional amount for generic drug activities of the Food and Drug Administration under section 505(j) of the Food, Drug, and Cosmetic Act, $13,900,000.

INDEPENDENT AGENCY

COMMODITY FUTURES TRADING COMMISSION

For an additional amount for necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), $3,655,000.

CHAPTER VII

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $190,000,000, to remain available until expended.

LOAN GUARANTY REVOLVING FUND

For an additional amount for "Loan guaranty revolving fund", [$150,000,000] *$245,000,000,* to remain available until expended.

VETERANS HEALTH SERVICE AND RESEARCH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care", [$50,000,000] *$94,000,000:*[*-Provided* That, notwithstanding any other provision of law, not less than $7,227,000,000 of the sums appropriated under this heading in fiscal year 1990 shall be available only for expenses in the personnel compensation and benefits object classifications.]

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Medical administration and miscellaneous operating expenses", $1,300,000, to be derived by transfer from "Construction, minor projects".

[DEPARTMENTAL ADMINISTRATION

[GENERAL OPERATING EXPENSES

[Of the sum appropriated under this heading for fiscal year 1990, the amount available for expenses of travel is increased by $1,000,000.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOUSING FOR THE ELDERLY AND HANDICAPPED FUND

Of the amount provided for direct loan obligations under this head in title II, Public Law 101-144 (103 Stat. 839, 847), and subject to the provisos under that head, any part of such amount that is not obligated during fiscal year 1990 may be used for direct loan obligations thereafter.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

(TRANSFER OF FUNDS)

For an additional amount for "Payments for operation of low-income housing projects", $72,000,000, to remain available until September 30, 1991: *Provided,* That such amount shall be derived by transfer from "Annual contributions for assisted housing", and the amount specified for the section 8 moderate rehabilitation program in the first proviso under that head in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989 (Public Law 100-404, 102 Stat. 1014) shall be reduced by such amount.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

Notwithstanding the repeal of section 107(b)(3) of the Housing and Community Development Act of 1974 by section 105(b) of the Department of Housing and Urban Development Act of 1989, funds appropriated under the Community Development Grants heading of the Departments of Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriations Act, 1990, pursuant to such section 107 shall be available for grants to Indian tribes.

The paragraph under this head in title II of Public Law 101-144 (approved November 9, 1989) (103 Stat. 839, 849-850) is hereby amended by inserting, immediately before the final colon in the third proviso, a semicolon and the following: "and, the amounts set forth for the 27 other projects and purposes specified at page 19, and for the first 10 projects specified on page 20, of the Joint Explanatory Statement of the Committee of Conference on H.R. 2916 (House Report 101-297), shall be made available for such projects and purposes".

[URBAN HOMESTEADING

[(TRANSFER OF FUNDS)

[For an additional amount for "Urban homesteading", to be derived by transfer from the Urban Development Action Grants account, all unobligated balances available at the end of fiscal year 1989 and, after the transfer of $50,000,000 to the Community Development Grants account pursuant to Public Law 101-144, all other amounts deobligated in fiscal year 1990: *Provided,* That those amounts that are required to fund urban development action grant projects which have received preliminary approval in accordance with regulations promulgated by the Department of Housing and Urban Development shall not be transferred: *Provided further,* That the amount transferred may be used only for reimbursement to the Federal Housing Administration Fund for losses incurred under the urban homesteading program (12 U.S.C. 1706e): *Provided further,* That the Secretary of Housing and Urban Development shall withhold from the amount subject to transfer such funds as may be necessary to comply with orders of United States Courts which direct the

Secretary to set aside funds for possible future approval of grants to carry out urban development action grant programs authorized in section 119 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301).]

ADMINISTRATIVE PROVISION

Section 17(f) of the United States Housing Act of 1937 (42 U.S.C. 1437o(f)) is amended by inserting after "or City of New York" the following: "or State of Vermont".

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For an additional amount for necessary expenses, $500,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

CONSTRUCTION GRANTS

The last proviso under this heading in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (Public Law 101-144) is amended by inserting "heretofore, herein or hereafter" after the word "sums" and ", and sums appropriated in fiscal year 1989 shall remain available for obligation until September 30, 1992" after the word "entities", and by striking the words "Trust Territory" and inserting the word "Republic" before the words "of Palau".

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency Management Planning and Assistance", $500,000 to remain available until expended.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

(RESCISSION)

Of the funds appropriated under this heading in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (Public Law 101-144), $36,077,000 is hereby rescinded.

RESEARCH AND PROGRAM MANAGEMENT

(TRANSFERS OF FUNDS)

For an additional amount for "Research and program management", [$32,970,000] *$45,000,000,* of which $18,000,000 shall be derived by transfer from "Research and development" and [$14,970,000] *$27,000,000* shall be derived by transfer from "Space flight, control, and data communications".

NATIONAL COMMISSION ON AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN HOUSING

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For necessary expenses of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, in carrying out their functions under title VI of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101-235, 103 Stat. 1987, 2052) $500,000, to remain available until expended, to be derived by transfer from amounts provided under the head "Annual Contributions for Assisted Housing", and earmarked for modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 (42 U.S.C. 14371), in Public Law 101-144 (approved November 9, 1989, 103 Stat. 839, 844).

NATIONAL COMMISSION ON SEVERELY DISTRESSED PUBLIC HOUSING

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For necessary expenses of the National Commission on Severely Distressed Public Housing, in carrying out their functions under title V of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101-235, 103 Stat. 1987, 2048) $2,000,000, to remain available until expended, to be derived by transfer from amounts provided under the head "Annual Contributions for Assisted Housing", and earmarked for modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 (42 U.S.C. 14371), in Public Law 101-144 (approved November 9, 1989, 103 Stat. 839, 844).

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of additional obligations incurred carrying out the provisions of 23 U.S.C. 408, to remain available until expended, $5,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act or any other Appropriations Act for fiscal year 1990 shall be available for the planning or execution of programs the total obligations for which are in excess of $15,967,000 for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408.

CHAPTER IX

DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

For an additional amount for "Governmental direction and support", $99,000: Provided, That of the funds appropriated under this heading for fiscal year 1990 in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1268 to 1269), $3,317,000 are rescinded for a net decrease of $3,218,000.

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

For an additional amount for "Economic development and regulation", $50,000: Provided, That of the funds appropriated under this heading for fiscal year ending September 30, 1990, in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1269), $10,478,000 are rescinded for a net decrease of $10,428,000.

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

For an additional amount for "Public safety and justice", $7,750,000: Provided, That of the funds appropriated under this heading for fiscal year 1990 in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1269 to 1271), $5,739,000 are rescinded for a net increase of $2,011,000.

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSION)

Of the funds appropriated under this heading for fiscal year ending September 30, 1990 in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1271), $6,583,000 are rescinded.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

For an additional amount for "Human support services", $4,840,000: Provided, That $640,000 of this appropriation, to remain available until expended, shall be available solely for the District of Columbia employees' disability compensation: Provided further, That of the funds appropriated under this heading for fiscal year 1990 in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1271), $10,245,000 are rescinded for a net increase of $5,405,000.

PUBLIC WORKS

(RESCISSION)

Of the funds appropriated under this heading for fiscal year ending September 30, 1990 in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1271 to 1272), $8,810,000 are rescinded.

WASHINGTON CONVENTION CENTER FUND

For an additional amount for "Washington Convention Center Fund", $2,993,000.

REPAYMENT OF LOANS AND INTEREST

Of the funds appropriated under this heading for fiscal year ending September 30, 1990 in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1272), $12,336,000 are rescinded.

REPAYMENT OF GENERAL FUND DEFICIT

The provisions of the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1272), relating to "Repayment of General Fund Deficit", $20,000,000, of which not less than $442,000 shall be funded and apportioned by the Mayor from amounts otherwise available to the District of Columbia government (including amounts appropriated by this Act or revenues otherwise, or both), are hereby repealed.

SHORT-TERM BORROWINGS

For an additional amount for "Short-term borrowings", $3,349,000.

OPTICAL AND DENTAL BENEFITS

For an additional amount for "Optical and dental benefits", $543,000.

ENERGY ADJUSTMENT

The provisions of the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1273), relating to "Energy Adjustment", a reduction of $2,000,000, are hereby repealed.

EQUIPMENT ADJUSTMENT

The provisions of the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1273), relating to "Equipment Adjustment", a reduction of $6,100,000, are hereby repealed.

PERSONAL SERVICES ADJUSTMENTS

The provisions of the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1273), relating to "Personal Services Adjustment", a reduction of $31,550,000, are hereby repealed.

CAPITAL OUTLAY

For an additional amount for "Capital outlay", $76,102,000 to remain available until expended: Provided, That $24,215,000 of prior year authority is rescinded for a net

increase of $51,887,000: Provided further, That $2,362,000 shall be available for project management and $2,116,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor.

WATER AND SEWER ENTERPRISE FUND

(INCLUDING RESCISSION)

For an additional amount for "Water and sewer enterprise fund", $12,026,000: Provided, That of the funds appropriated under this heading for fiscal year 1990 in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1274), $17,680,000 are rescinded, including $697,000 for debt service and $13,951,000 for pay-as-you-go capital, for a net decrease of $5,654,000.

CHAPTER X

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

Funds appropriated under this heading in the Treasury, Postal Service and General Government Appropriations Act, fiscal year 1990, Public Law 101-136, for the White House Conference on Indian Education shall remain available until expended.

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

For an additional amount for "Unanticipated Needs", $5,000,000, to remain available until expended, to enable the President to meet unanticipated needs arising from natural disasters occurring on March 13, 1990: Provided, That $2,500,000 of such additional amount shall be available to meet disaster assistance needs in the State of Nebraska, and $2,500,000 shall be available to meet disaster assistance needs in the State of Kansas.

CHAPTER XI

LEGISLATIVE BRANCH

U.S. SENATE

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Helene H. Matsunaga, widow of Spark M. Matsunaga, late a Senator from Hawaii, $98,400.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. The proviso under the heading "Department of the Interior, Bureau of Land Management, Firefighting" in Public Law 101-121 is amended by inserting "full" before the word "repayment" in the proviso, and by inserting at the end thereof "prior to the expenditure of any of such funds for any other purposes".

SEC. 303. In Public Law 101-148, Military Construction Appropriations Act, 1990, the last proviso under "Military Construction, Defense Agencies" is hereby repealed.

SEC. 304. Notwithstanding any other provision of law, all projects contained in the State list included in House Report 101-307, for which funds were appropriated in Public Law 101-148, are hereby authorized for appropriations and for construction or execution.

SEC. 305. None of the funds provided in this Act shall be provided to any nation where it is made known to the President that the nation is providing military or economic assistance to Cuba.

SEC. 306. Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162) is amended by adding the following subsection:

"(d) The term 'export license applications' includes requests for approval of technical assistance agreements or services that would serve to facilitate launch of such satellites.".

SEC. 307. None of the funds appropriated by this or any other Act with respect to any fiscal year for Antarctic research may be obligated for procurement of Multibeam Bathymetric Sonar Mapping Systems manufactured outside of the United States.

SEC. 308. Section 319 of Public Law 101-164 is amended by inserting "training, salaries" after the word "reports"; inserting the words "including site acquisition, construction and equipment" after the word "expenses"; and inserting the word "grants" after the word "contracts".

SEC. 309. Notwithstanding any other provision of law, within 60 days of enactment, the Secretary of Transportation is directed to make available to the Tri-County Metropolitan Transportation District of Oregon, $13,500,000 in funds previously appropriated for the acquisition of land in Gresham, Oregon, for the joint development project called "Project Break-Even".

SEC. 310. Funds appropriated under Public Law 101-164, the Department of Transportation and Related Agencies Appropriations Act, 1990, for Highway Demonstration Projects involving railroad overpasses in Las Vegas, New Mexico, may be used for construction.

SEC. 311. Of the funds appropriated in section 108(d) of Public Law 101-130 and remaining available for obligation as of April 16, 1990, $4,700,000 shall be made available to the Forest Service for "Forest Research," $6,900,000 to the Forest Service for "State and Private Forestry," and $4,440,000 to the Forest Service for "National Forest System," Provided, That $15,153,000 of remaining unobligated balances appropriated in section 108(d) of said law and which are not needed under the provisions of this Act are hereby rescinded.

SEC. 312. Section 117 of the District of Columbia Appropriations Act, 1990 is amended to read as follows:

"SEC. 117. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.".

SEC. 313. (a) Section 802(b)(1) of the Arizona-Idaho Conservation Act of 1988 is amended to read as follows:

"(1) in consultation with the Joint Committee on the Library, the Senate Commission on Art, or the House of Representatives Fine Arts Board, as the case may be, transfer such property to the entity consulted;".

(b) Section 803(b) of the Arizona-Idaho Conservation Act of 1988 is amended—

(1) by striking "subject" and all that follows through "respectively"; and

(2) in paragraph (2) by inserting "subject to the approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate," after "(2)".

(c) Section 8(c) of the Bicentennial of the United States Congress Commemorative Coin Act is amended to read as follows:

"(c) REPORT REQUIRED.—The Commission shall submit an annual report of expenditures to the Congress.".

SEC. 314. (a) The supervision and jurisdiction of the United States Capitol Police shall extend over any area with respect to which the Architect of the Capitol has contracted, or otherwise entered into an agreement, for parking space in the Union Station parking garage to accommodate personnel of the United States Senate whose parking privileges have been affected by the construction of the Judiciary Annex Building, and over any area and streets necessary to carry out such supervision and to travel between such parking area and the United States Capitol Grounds.

(b) In carrying out such supervision, the United States Capitol Police shall have, within any such area or street, jurisdiction, concurrent with that of the Metropolitan Police of the District of Columbia, to provide security for such personnel and property of such personnel and of the United States Senate within such area or street, and to make arrests for the violation of the laws and regulations of the United States and the District of Columbia.

(c) The provisions of subsections (a) and (b) shall be effective only during the period that there is in effect a contract or other agreement as referred to in subsection (a).

SEC. 315. (a) Section 101 of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-6) is amended—

(1) by inserting "(a)" immediately after "SEC. 101.", and

(2) by adding at the end thereof the following new subsection:

"(b) The Majority Leader, the Minority Leader, and the President pro tempore of the Senate, in appointing individuals to consultant positions under authority of this section, may appoint one such individual to such position at an annual rate of compensation rather than at a daily rate of compensation, but such annual rate shall not be in excess of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate.".

(b) The amendments made by this section shall be effective in the case of appointments made after the date of enactment of this Act.

SEC. 316. (a) Consistent with the purposes of Senate Concurrent Resolution 74 of the 101st Congress (agreed to October 26, 1989), and until October 1, 1992, the Sergeant at Arms and Doorkeeper of the Senate, upon the approval of the Committee on Rules and Administration of the Senate, from funds authorized to be expended by subsection (b) of this section, is authorized to provide for the donation of equipment and training to the Senat and Sejm of Poland by—

(1) purchasing and donating new equipment;

(2) donating used or surplus equipment of the United States Senate notwithstanding section 103 of the Legislative Branch Appropriations Act, 1978 (2 U.S.C. 117b);

(3) arranging for the preparation, delivery, installation, servicing, modification, and adjustment of, and the training, accessories, and supplies for any items donated under paragraphs (1) and (2);

(4) replacing in the United States Senate used or surplus equipment that is donated under paragraph (2); and

(5) conducting such other transactions as necessary to carry out the purposes of section 2(c) of Senate Concurrent Resolution 74 of the 101st Congress.

(b) Of the unexpended and unobligated funds in the appropriation account for the Sergeant at Arms and Doorkeeper of the Senate within the contingent fund of the Senate which were appropriated for fiscal years prior to October 1, 1989, not more

than $1,500,000 shall be available to the Sergeant at Arms and Doorkeeper of the Senate to carry out the provisions of subsection (a).

SEC. 317. (a) Effective with the fiscal year ending September 30, 1990, and each fiscal year thereafter, any unexpended and unobligated funds in the appropriation account for the "Secretary of the Senate" within the contingent fund of the Senate which have not been withdrawn in accordance with the paragraph under the heading "General Provisions" of Chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 102a), shall be available for expenses incurred, without regard to the fiscal year in which incurred, for the conservation, restoration, and replication or replacement, in whole or in part, of items of art, fine art, and historical items within the Senate wing of the United States Capitol, any Senate Office Building, or within any room, corridor, or other space therein.

In the case of replication or replacement of such items, the funds available under this subsection shall be available for any such items previously contained within the Senate wing of the Capitol, or an item historically accurate.

(b) All such items of art referred to in subsection (a) shall be known as the "United States Senate Collection".

(c) Disbursements for expenses incurred for the purposes in subsection (a) shall be made upon vouchers approved by the Chairman of the Senate Commission on Art or the Executive Secretary of the Senate Commission on Art.

SEC. 318. Subsection (a) of section 3 of the Legislative Appropriations Act, 1989 (2 U.S.C. 68-6(a)) is amended—

(1) by striking out "during any fiscal year," and inserting in lieu thereof "during any fiscal year (1)"; and

(2) by striking out "; and" and inserting in lieu thereof ", and (2) from the Senate appropriations account, appropriated under the headings "Salaries, Officers and Employees" and "Office of the Secretary" to the appropriations account, within the contingent fund of the Senate, for expenses of the Office of the Secretary of the Senate, such sums as he shall specify; and".

SEC. 319. None of the funds appropriated or otherwise made available to the Department of the Treasury by this or any other Act, shall be obligated or expended to contract out positions in, or downgrade the position classifications of, members of the United States Mint Police Force or the Bureau of Engraving and Printing Police Force, or for studying the feasibility of contracting out such positions.

SEC. 320. Section 251(a)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in subparagraph (J), by striking "and" at the end thereof;

(2) in subparagraph (K), by striking the period at the end thereof and inserting a semicolon; and

(3) by adding after subparagraph (K) the following:

"(L) assuming, for purposes of this paragraph, paragraph (3)(A)(i), and the Congressional Budget Act of 1974, and notwithstanding sections 3(6) and 406(b) of that Act, that disbursements and receipts equalling the principal amounts of borrowings or repayments of principal of direct loans from the Federal Financing Bank to the Resolution Trust Corporation that are used for working capital requirements in liquidating Federal deposit insurance claims or for any other working capital purpose (pursuant to title V of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989), shall not alter the deficit or produce any change in the budget baseline, and

"(M) assuming, for purposes of this paragraph, paragraph 3(A)(i), and the Congressional Budget Act of 1974, notwithstanding sections 3(6) and 406(b) of that Act, and excluding receipts and disbursements subject to subparagraph (L), the sum of the amount of any offsetting collections from the Resolution Funding Corporation for purchase of capital certificates and any other offsetting collections of the Resolution Trust Corporation in any fiscal year shall equal the amount of any Resolution Trust Corporation disbursements for that fiscal year, effective beginning with the fiscal year 1991 budget.".

SEC. 321. The Secretary of the Army is directed to execute a local cooperation agreement prior to July 1, 1990, for construction of a modification of the existing Gulfport Harbor project in Mississippi as authorized by the Supplemental Appropriations Act, 1985, (Public Law 99-88), section 202(a) of the Water Resources Development Act of 1986 (Public Law 99-662), and section 4(m) of the Water Resources Development Act of 1988 (Public Law 100-676).

This Act may be cited as the "Dire Emergency Supplemental Appropriations for Disaster Assistance, Food Stamps, Unemployment Compensation Administration, and Other Urgent Needs, and Transfers, and Reducing Funds Budgeted for Military Spending Act of 1990".

Mr. MITCHELL. Mr. President, I want to thank the distinguished Republican leader, the chairman of the Appropriations Committee, and the other Senators with whom we have been discussing this matter for several hours now. I am pleased that we are able to gain unanimous consent to proceed to this important legislation. It took a little longer than we had anticipated or hoped, but in any event we are now on the bill and will remain on it until completion.

In accordance with the decision I made yesterday following consulation with the Republican leader, we had not intended any votes today in any event since nine Senators are presently in Nicaragua attending the inauguration of Mrs. Chamorro as President of that country.

What we propose for this evening is simply an opening statement by the chairman of the Appropriations Committee, and then we will go out. We will come back in at 9:30 in the morning, be back on this bill at 10, begin with an opening statement by Senator HATFIELD, the ranking member of the committee, and then be prepared to proceed with respect to the bill.

My hope is that we can finish the bill tomorrow. Senators who have amendments are encouraged to be here tomorrow to offer their amendments if they have them. This is important legislation. It is deserving of careful consideration by the Senate and of what I hope to be prompt action tomorrow.

Again, Mr. President, I thank my colleagues for their cooperation. I am pleased now to yield to the distinguished Republican leader.

Mr. DOLE. Mr. President, I thank the majority leader and also want to express my thanks to the majority leader and the distinguished chairman, Senator BYRD, and my colleagues on this side, and both sides, for that matter, because anybody could have objected up until Friday until 10 o'clock under the 2-day rule. We had only one concern on this side, and as soon as the report and the bill was delivered, we had word back within an hour that it is fine and it satisfied any questions that we had. We had cooperation. As the majority leader pointed out, it was rather difficult to make a great deal of progress today because of the absence of a number of our Senators who I think have every reason to be missing today. It was a very important ceremony that they attended in Nicaragua. We have been involved in this in the Senate for years.

I certainly commend them for making the trip. It was not an easy trip. I think they got up at 3:30 or 4 o'clock this morning and they get back at 11 o'clock or midnight tonight. So it is a long, long trip. So I thank my colleagues on both sides for participating in the inaugural ceremony of Violeta Chamorro.

We are prepared to cooperate in any way we can with the chairman of the Appropriations Committee. This is important legislation. We will be as helpful as we can.

Mr. BYRD. Mr. President, I thank both leaders for working together to secure the request to proceed to the bill.

Let me say for the record that I have been around all day and ready to proceed and so have the subcommittee chairman, to my knowledge; they have been around. I do not say this in criticism of anyone. The rules are here, and we have to abide by them. Any Senator has a right to object to proceeding before the 2-day rule has expired.

The distinguished Senator from Oregon, the ranking member, will make his opening statement in the morning. So it is my feeling, as has been indicated by the majority leader and the Republican leader, that once I finish my statement, as far as I am concerned we can go out and start anew tomorrow morning at 10.

I would be very happy to wait until Senator HATFIELD is here, but that would inconvenience him and we would gain nothing by it. He will make his opening statement in the morning.

Mr. President, the bill before the Senate, H.R. 4404, is the dire emergency supplemental appropriations bill for fiscal year 1990. It includes appropriations totaling $1.6 billion for mandatory programs. These are programs for which funding is statutorily set

and, therefore, beyond the control of the Appropriations Committee.

Among the amounts recommended by the committee for these mandatory programs are: Food stamps, $705 million; VA compensation and pensions, $190 million; VA loans, $245 million; and firefighting costs of $433.5 million.

For discretionary programs, the bill contains appropriations totaling $1.695 billion in new budget authority and $913.9 million outlays. Both the budget authority and outlays are fully offset for discretionary appropriations for rescissions from Department of Defense appropriations.

Title I of the bill contains funding for disaster assistance totaling $137 million. These funds are needed to provide assistance to States affected by recent flooding. Included in title I is an appropriation of $20 million for flood control programs of the Corps of Engineers; $42 million—an increase of $11 million above the House-passed bill—for flood prevention programs in the Department of Agriculture; and $50 million for the disaster relief programs under the Federal Emergency Management Agency [FEMA].

Title II of the bill contains discretionary appropriations for various programs throughout many departments and agencies of Government. Included are appropriations for:

Bureau of the Census, $110.0 million; Low-income home energy assistance, $50.0 million; State unemployment offices, $99.6 million; Centers for Disease Control, $31.5 million; Head Start, $165.7 million—and, by the way, that was added yesterday by the amendment that Senator LEAHY and I cosponsored—and VA Medical Care, $94.0 million.

The bill provides $420,000,000 in assistance to Panama and $300,000,000 for Nicaragua, to be available through fiscal year 1991. This is the same as the amounts contained in the supplemental appropriation as passed by the House.

In addition, the bill provides $15,000,000 in economic support funds for countries in the Caribbean, and $30,000,000 in economic support funds and development assistance for Sub-Saharan Africa. The funds for Africa are to restore money the administration took away from Africa aid programs in February for Panama. The House bill also contains these same levels.

The committee bill provides $75,000,000 for the State Department's migration and refugee assistance account. Seventy million dollars of this was requested by the President to fund additional refugee admissions to the United States he has already approved for fiscal 1990, but for which he did not request sufficient funds in his budget request last year. The committee earmarks the remaining $5,000,000 to help Israel absorb the costs of resettling immigrants. This is also the same as the House provision.

To help meet emergency refugee needs, the committee also provides $25,000,000 to replenish drawdowns the administration has made in the emergency refugee and migration assistance fund. The committee's recommendation, which is the same as that of the House, will raise the ERMA fund, emergency refugee and migration assistance fund back to the $50,000,000 level established in the fiscal year 1990 Foreign Operations Appropriations Act.

The committee bill contains a section providing for a $400,000,000 increase in the loan guaranty ceiling of Housing Investment Guaranty Program of AID. This program is earmarked to assist Israel to provide housing for the influx of refugees from the Soviet Union. The committee language requires Israel to pay administrative charges to participate in the Housing Investment Guaranty Program.

Finally, the committee removes the $215,000,000 ceiling on medium term loans of the Export-Import Bank established in the current Foreign Operations Appropriations Act. This is the same as the House recommendation.

Mr. President, I have provided only a brief summary of the bill. It is a bill that contains appropriations for emergency disaster assistance and for many important discretionary programs, in addition to the foreign aid appropriations contained in the bill. All discretionary appropriations are fully offset, so the bill is in conformance with section 311(a) of the Budget Act—it is deficit neutral.

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.)

LINE-ITEM VETO—MESSAGE FROM THE PRESIDENT—PM 111

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on the Judiciary:

To the Congress of the United States:

I forward to you today a Joint Resolution proposing an amendment to the Constitution of the United States to authorize the President to disapprove or reduce items of spending authority and to disapprove substantive provisions contained in appropriations measures.

Amending our national charter is a profoundly serious step, and I am fully aware of the great responsibility involved in proposing such an action. My proposal, however, is supported by ample precedent. Today, the Governors of 43 of the 50 States have line-item veto authority, and for more than a century American Presidents have urged the Congress to adopt this reform at the Federal level. We have never needed it more than now. By enabling the President to open up massive omnibus spending packages and pare out wasteful and unneeded spending, this amendment would address one of the most serious and intractable issues facing the Nation today—the collapse of Federal fiscal discipline that has helped to saddle us with trillions of dollars of debt.

This amendment has been painstakingly crafted to ensure that the Congress has a chance to pass on each item lined out of a bill, using procedures essentially identical to those now in the Constitution. Its only purpose is to enable both the President and the Congress to take a closer look at the way we spend the taxpayers' money—to bring out into the sunlight the kinds of hidden, abusive spending proposals that would never make it on their own.

I look forward to working with you on this proposal, and I am confident that by enacting it we will place the Constitution and the Nation on a sounder footing than ever before.

GEORGE BUSH.

THE WHITE HOUSE, *April 25, 1990.*

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY—MESSAGE FROM THE PRESIDENT—PM 112

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to the provisions of section 504(h) of Public Law 98-164, as amended (22 U.S.C. 4413(i)), I transmit herewith the sixth Annual Report of the National Endowment for Democracy, which covers fiscal year 1989.

GEORGE BUSH.

THE WHITE HOUSE, *April 25, 1990.*

MESSAGES FROM THE HOUSE

At 2:05 p.m., a message from the House of Representatives announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 258. Joint resolution to authorize the President to proclaim the last Friday of April 1990 as "National Arbor Day."

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3545. An act to amend the Chesapeake and Ohio Canal Development Act to make certain changes relating to the Chesapeake and Ohio Canal National Historical Park Commission;

H.R. 3811. An act to recognize the centennials of units of the National Park System, and for other purposes;

H.R. 3961. An act to redesignate the Federal building at 1800 5th Avenue, North in Birmingham, Alabama, as the "Robert S. Vance Federal Building and United States Courthouse";

H.R. 4035. An act to designate the Federal building located at 777 Sonoma Avenue in Santa Rosa, California, as the "John F. Shea Federal Building"; and

H.J. Res. 546. Joint resolution designating May 13, 1990, as "Infant Mortality Awareness Day."

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 290. Concurrent resolution expressing the sense of the Congress concerning Jerusalem and the peace process.

At 4:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2514. An act amending subchapter III of chapter 84 of title 5, United States Code.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2514. An act amending subchapter III of chapter 84 of title 5, United States Code; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3545. An act to amend the Chesapeake and Ohio Canal Development Act to make certain changes relating to the Chesapeake and Ohio Canal National Historical Park Commission; to the Committee on Energy and Natural Resources.

H.R. 3811. An act to recognize the centennials of units of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3961. An act to redesignate the Federal building at 1800 5th Avenue, North in Birmingham, Alabama, as the "Robert S. Vance Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 4035. An act designate the Federal building located at 777 Sonoma Avenue in Santa Rosa, California, as the "John F. Shea Federal Building"; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 290. A concurrent resolution expressing the sense of the Congress concerning Jerusalem and the peace process.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on the Judiciary:

Anthony Hurlbutt Flack, of Connecticut, to be a Member of the National Council on Disability for a term expiring September 17, 1991.

Mary Matthews Raether, of Virginia, to be a Member of the National Council on Disability for the remainder of the term expiring September 17, 1991:

Sandra Swift Parrino, of New York, to be a Member of the National Council on Disability for a term expiring September 17, 1992;

Alvis Kent Waldrep, Jr., of Texas, to be a Member of the National Council on Disability for a term expiring September 17, 1992;

Peter H. Raven, of Missouri, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 1994; and

Benjamin S. Shen, of Pennsylvania, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 1994.

Mr. KENNEDY. Mr. President, for the Committee on Labor and Human Resources, I also report favorably two nomination lists in the Public Health Service which were printed in full in the CONGRESSIONAL RECORD of March 20, 1990, and ask, to save the cost 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.

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Thomas Lawrence Sansonetti, of Wyoming, to be Solicitor of the Department of the Interior.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. INOUYE:

S. 2510. A bill for the relief of Fanie Phily Mateo Angeles; to the Committee on the Judiciary.

S. 2511. A bill for the relief of Timothy Bostock; to the Committee on the Judiciary.

By Mr. DECONCINI (for himself, Mr. MCCAIN, and Mr. DASCHLE):

S. 2512. A bill to establish a New Federalism for American Indians, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. BOSCHWITZ:

S. 2513. A bill to require Congress to purchase recycled paper and paper products to the greatest extent practicable; to the Committee on Governmental Affairs.

By Mr. PELL (by request):

S. 2514. A bill to authorize appropriations for activities under the Peace Corps Act for fiscal year 1991, and for other purposes; to the Committee on Foreign Relations.

By Mr. SIMON:

S. 2515. A bill to amend the Health Care Quality Improvement Act of 1986 to prohibit discrimination against international medical graduates, to provide for the establishment of a National Repository of Physician Records, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. EXON (for himself and Mr. HATCH):

S. 2516. A bill to augment and improve the quality of international data compiled by the Bureau of Economic Analysis under the International Investment and Trade in Services Survey Act by allowing that agency to share statistical establishment list information compiled by the Bureau of the Census and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEVIN:

S. 2517. A bill to provide that any distribution permitted under the Internal Revenue Code of 1986 to a first time homebuyer from the individual retirement account of the homebuyer, or the homebuyer's parents or grandparents be free from the 10 percent penalty for early distributions; to the Committee on Finace.

By Mr. BINGAMAN:

S. 2518. A bill to direct the Director of the General Services Administration to make paper with recycled content available to the Secretary of Agriculture and for the Secretary of Agriculture to establish a pilot program within the Forest Service for the use of paper with recyced paper content; to the Committee on Governmental Affairs.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2519. A bill to require the U.S. Marshalls Service to designate court districts that need additional private entities for the detention of Federal prisoners and to provide certain standards for such entities; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. D'AMATO, Mr. DECONCINI, and Mr. CRANSTON):

S. 2520. A bill to establish permanent Federal and State drug treatment programs for criminal offenders, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2521. A bill to exchange certain lands in the State of New Mexico and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 2522. A bill to require Congress to purchases recycled paper and paper products to the greatest extent practicable; to the Committee on Rules and Administration.

By Mr. NICKLES:

S. 2523. A bill to provide for a reasonable management program for agricultural wetlends, and for other purposes; to the Committee on Environemnt and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DECONCINI (for himself, Mr. MCCAIN, and Mr. DASCHLE):

S. 2512. A bill to establish a new federalism for American Indians, and for other purposes; to the Select Committee on Indian Affairs.

NEW FEDERALISM FOR AMERICAN INDIANS ACT

● Mr. DECONCINI. Mr. President, I rise on behalf of myself, Senator JOHN MCCAIN, and Senator TOM DASCHLE today to introduce a bill which authorizes a new federalism for American Indians. This bill responds to the principal recommendation of the Special Committee on Investigations that the United States renew its commitment to tribal self-government by offering tribes the option of receiving Federal Indian program funds as direct block grants. It would free tribes from the bonds of the Federal bureaucracy which frequently frustrates tribal self-determination.

The legislation authorizes the use of mutually negotiated agreements between Indian tribes and the Federal Government to strengthen the Federal-Indian trust relationship. These agreements will convert current discretionary funds for Federal Indian programs received by tribes into permanent entitlement funds in exchange for tribal agreement to assume full responsibility for self-government.

The bill specifies minimal conditions which both the Federal Government and tribal governments must agree to meet. For example, the Federal Government shall agree to relinquish its current right to review and approve or disapprove tribal government transactions. In turn, the tribes must agree to administer the Federal funds received under the agreements in accordance with standards of accountability which have been established jointly by the tribal government and Federal Government as part of the negotiated agreements.

I want to emphasize that nothing in this proposed bill will change the fundamental trust responsibility which the United States assumed when it entered into binding treaties with the Indian tribes of this Nation. It does not alter tribal governments' current legal jurisdiction, status or treaty rights. Instead, the proposal is designed to build upon the government to government relationship between Indian tribes and the Federal Government. The intent of the proposal is to reinforce the policy of self-determination.

I believe that the new federalism proposal presents everyone with the opportunity to consider the most meaningful ways in which the United States can meet its commitment to tribal governments. For many years, tribal leaders have said that they are in the best position to solve their own problems given the adequate support and freedom to set their own priorities. The new federalism attempts to respond to this longstanding appeal from Indian tribes. In fact, I have heard from some of the tribes who have been at the forefront of the move to reduce the role of the Federal bureaucracy in the administration of Federal Indian programs. They are very interested in the new federalism and I look forward to working with them on this bill. At the same time, I am sure that there are tribes who will find this proposal unacceptable. Others will want to take a long and careful look at the bill before they take a position.

I recognize that this bill will have to undergo extensive review and discussions. I hope that in the course of engaging in this dialog we define all the critical issues which must be addressed if we are to chart a truly new course in Federal-Indian relations. I view the introduction of the bill today today only as a beginning and offer this proposal as a vehicle for discussing the best way the U.S. Government can fulfill its legal and moral responsibility to its native American citizens. I intend to work with the distinguished chairman of the Select Committee on Indian Affairs on developing a full hearing schedule for the bill. In the end, I hope we will be able to agree on a bill which will strengthen tribal governments so true self-determination can become a reality for all Indian people.

I am confident that this proposal will generate much debate in Indian country and want to encourage all interested parties to come forward with their comments, criticisms, and suggestions. I am committed to considering all points of view.

I ask unanimous consent that the bill be printed in the CONGRESSIONAL RECORD.

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

S. 2512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) This Act may be cited as the "New Federalism for American Indians Act of 1990".

(b) TABLE OF CONTENTS

SEC. 2. FINDINGS; NATIONAL GOALS.

(a) After careful review of the historical and special relationship between the United States and the Indian people, the Congress finds that—

(1) the United States has unique fiduciary responsibilities and obligations toward the Indians, and the Indians have unique rights and privileges, as set forth in treaties, agreements, statutes, and Executive Orders;

(2) the United States originally recognized Indian tribes as independent, sovereign nations with inherent powers of self-government;

(3) in exchange for the lands that now comprise most of the United States, the Federal Government promised the Indian tribes permanent, self-governing reservations, along with Federal goods and services;

(4) the United States has repeatedly broken those promises throughout most of the last two centuries by maintaining a stifling Federal bureaucracy in Indian country and failing to deal with Indian tribal governments as responsible partners in our federal system;

(5) today the Federal Government spends more than $3,000,000,000 per year on Federal Indian programs, including but not limited to the Bureau of Indian Affairs and the Indian Health Service, yet little of these funds reach the Indian people;

(6) the Indian people suffer from extreme poverty, poor health, high suicide rates, and substandard housing;

(7) Federal Indian programs are generally unresponsive to the Indian people, ensnarled in red tape, and riddled with fraud, mismanagement, and waste;

(8) Federal officials have repeatedly ignored known problems and, among other misdeeds, have—

(A) hired teachers at reservation schools despite their known records of child abuse;

(B) failed to heed warnings that their Indian preference contracting programs were dominated by fraudulent shell companies; and

(C) known of mismanagement of Indian natural resources, but refused to stop it; and

(9) Indian tribes, even with limited resources and authority under current Federal law, have established innovative programs that are tribally conceived and directed, and greatly benefit the Indian people.

(b) The Congress declares as major national goals the need to—

(1) reaffirm the status of Indian tribes as sovereign entities with inherent powers of self-government, as guaranteed in treaties, agreements, statutes, and Executive Orders;

(2) strengthen and stabilize Indian tribal governments to promote tribal self-determination and self-sufficiency;

(3) enable the United States and any Indian tribe, on a voluntary, government-to-government basis, to negotiate a mutual agreement that affirms the freedom and authority of the tribe to assess its own needs, set priorities, and design budgets to address those priorities; and

(4) provide each tribe with an annual grant equal to its proportional share of the current Federal Indian budget, as a permanent entitlement with a cost-of-living allowance, in lieu of Federal programs and services.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) establish an Office of Federal-Tribal Relations to represent the President of the United States in negotiations with Indian tribes;

(2) allow Indian tribes that are accountable to, and govern with the consent of, their own members to negotiate with the President's Office of Federal-Tribal Relations; and

(3) establish parameters for negotiating New Federalism Agreements between the United States and Indian tribes that will protect and advance the interests and rights of the Indian people.

SEC. 4. DEFINITIONS.

For purposes of this Act—

(1) The term "Director" means the Director of Federal-Tribal Relations, who is the head of the Office of Federal-Tribal Relations of the Executive Office of the President.

(2) The term "eligible Indian tribe" means an Indian tribe that is eligible under section 201 to negotiate a New Federalism Agreement.

(3) The term "Federal Indian program assets" means all land, facilities, vehicles, equipment, supplies, material, books, documents, papers, automated data and files, records, and other property owned by the United States Government that is used by the United States Government to carry out Federal Indian programs.

(4) The term "Federal Indian programs" means all the programs and services provided by the United States to Indians and Indian tribes because of their status as Indians, other than—

(A) Tribal Self-Governance Grants provided under this Act,

(B) programs or services which specifically include Indians or Indian tribes among designated beneficiaries, but which Indians or Indian tribes receive on some basis other than their status as Indians,

(C) Federal funds, programs, and services that are directly granted, or provided under contracts, to States, local governments, or school systems or agencies thereof, and

(D) any funds derived from Indian trust funds on deposit in the Treasury of the United States.

(4) The term "Indian" means any individual who is a member of an Indian tribe.

(5) The term "Indian country" has the meaning given to such term by section 1151 of title 18, United States Code.

(6) The term "Indian tribe" means any—

(A) Indian tribe, band, nation, rancheria, pueblo, colony, or

(B) other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.)),

which is recognized as eligible for the programs and services provided by the United States to Indians because of their status as Indians.

(7) The term "local government" means the government of a county, municipality, or township, or other unit of government under the State government which is a unit of general government and is not an Indian tribe.

(8) The term "New Federalism Agreement" means a bilateral agreement negotiated between the United States and an Indian tribe, pursuant to this Act, that is—

(A) signed by the President,

(B) signed by the chairman, president, principal chief, governor, chief executive officer, or duly authorized representative of that Indian tribe,

(C) submitted by the President of the United States to the Select Committee on Indian Affairs of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives,

(D) approved by the Congress by a bill enacted into law, and

(E) ratified by that Indian tribe in accordance with the written constitution or other governing document of that Indian tribe.

(9) The term "Office" means the Office of Federal-Tribal Relations of the Executive Office of the President.

(10) The term "Tribal Self-Governance Grants" means the grants provided to Indian tribes by reason of a New Federalism Agreement in an amount determined under section 205.

TITLE I—OFFICE OF FEDERAL-TRIBAL RELATIONS

SEC. 101. ESTABLISHMENT OF THE OFFICE.

(a) There is hereby established in the Executive Office of the President, the Office of Federal-Tribal Relations.

(b) The Director of Federal-Tribal Relations shall be the head of the Office of Federal Tribal Relations.

(c) The location of the Office of Federal-Tribal Relations in the Executive Office of the President shall not be construed as affecting access by the Congress or committees of either House of the Congress to information and documents in the possession of the Director or other personnel of the Office.

SEC. 102. APPOINTMENT AND POWERS OF THE DIRECTOR.

(a) The Director shall be appointed by the President, by and with the advice and consent of the Senate.

(b)(1) No individual shall serve as Director while serving in any other position in the Federal Government or in any official governmental position of an Indian tribe.

(2) The Director shall not participate in any decision which specifically involves an Indian tribe of which the Director, or a relative of the Director, is a member.

(3) Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

"Director of Federal-Tribal Relations.".

(c)(1) The Director is authorized to—

(A) prescribe such rules, regulations, policies, procedures, and guidelines as may be necessary and proper to carry out the provisions of this Act;

(B) establish, coordinate, and oversee the implementation of policies, objectives, and priorities for the Office;

(C) select, appoint, employ, and fix compensation of such officers and employees as may be necessary to fulfill the duties of the Director under this Act;

(D) direct, with the concurrence of the Secretary of a department or head of an agency, the temporary reassignment within the Federal Government of personnel employed by such department or agency, in order to implement this Act;

(E) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of any Federal agency;

(F) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals that do not exceed the daily equivalent of the rate of pay payable for GS-18 of the General Schedule under section 5332 of title 5, United States Code;

(G) use the mails in the same manner as any other department or agency of the Executive Branch; and

(H) carry out financial management of the Office and such other activities as may be necessary to carry out the provisions of this Act.

(2) No individual employed by the Director shall participate in any decision which specifically involves an Indian tribe of which such employee, or a relative of such employee, is a member.

SEC. 103. DUTIES OF THE DIRECTOR.

(a) The Director shall—

(1) represent the President in negotiating New Federalism Agreements with Indian tribes under this Act;

(2) oversee the implementation of New Federalism Agreements between the United States and Indian tribes;

(3) transfer, or reprogram, funds appropriated for Federal Indian programs to provide funds for Tribal Self-Governance Grants, and for other purposes pursuant to this Act;

(4) collect and disseminate comparative data regarding the New Federalism Agreements and the Indian tribes that enter into them; and

(5) establish reporting and audit requirements for Indian tribes that enter into New Federalism Agreements with the United States under this Act.

(b) Except as specifically provided in subsection (a), the Director shall have no authority, duties or powers to supervise, manage, administer, or regulate Indian affairs generally or the affairs of individual Indians or Indian tribes. The Director shall not be authorized to negotiate—

(1) with individual Indians, except as the Director may deem necessary to protect and advance the interests and rights of, individual Indians who have an interest in land

that is held in trust by the United States or is subject to restrictions against alienation under Federal law; or

(2) with an Indian tribe that does not meet the requirements for eligibility set forth in section 201, except as the Director deems necessary to carry out the provisions of paragraph (11) of section 203(a).

(c) In fulfilling the United States' unique fiduciary obligation toward the Indians, the Director shall act, at all times, to protect and advance the interests and rights of all Indian tribes and their members.

SEC. 104. COORDINATION WITH DEPARTMENTS AND OTHER AGENCIES.

(a) Upon request of the Director, and subject to laws governing disclosure of information, the head of any department or agency administering funds appropriated for Federal Indian programs shall provide to the Director such information as the Director considers necessary to enable the Director to carry out the duties of the Director under this Act.

(b) Upon request of an Indian tribe, and prior to the date that is 5 years after the date the Indian tribe enters into a New Federalism Agreement, the Director shall direct the head of any Federal department or agency administering funds appropriated for Federal Indian programs to provide the Indian tribe with assistance, to ensure an orderly transfer of the control and operation of programs, services and assets from such Federal department or agency to the Indian tribe.

(c) The Administrator of General Services shall provide to the Director on a reimbursable basis such administrative support services as the Director may request.

(d) The Director shall report any failure to comply with this section to the Congress in any report submitted under section 301.

SEC. 105. BUDGET FOR THE OFFICE.

(a) The Director shall develop for each fiscal year a budget proposal to implement this Act, and shall transmit such budget proposal to the President and to the Congress.

(b) Each Federal Government program manager and each head of any agency or department that administers funds appropriated for Federal Indian programs shall—

(1) transmit the Federal Indian program budget request of such program, agency, or department to the Director at the same time as such request is submitted to the Congress under section 1105(a) of title 31, United States Code, and

(2) ensure timely development and submission of Federal Indian program budget requests to the Director in such format as may be designated by the Director with the concurrence of the Director of the Office of Management and Budget.

(c) Based on the materials submitted to the Director under subsection (b) and on the current progress of negotiations with Indian tribes, the Director shall estimate the percentage by which the budget for all Federal Indian programs will be affected by reason of this Act, and submit such estimate, within 30 days of receipt of such materials, to the President, the Congress, and each head of any agency or department that administers funds appropriated for Federal Indian programs.

SEC. 106. INTERPRETING FEDERAL LAWS AND REGULATIONS.

To the extent feasible, the Director shall interpret Federal laws, regulations, and policies in a manner that will facilitate the implementation of this Act and of the New Federalism Agreements entered into pursuant to this Act.

TITLE II—NEW FEDERALISM AGREEMENTS

SEC. 201. ELIGIBILITY OF INDIAN TRIBES.

(a) An Indian tribe is eligible to negotiate a New Federalism Agreement with the United States if—

(1) the recognized governing body of the Indian tribe submits to the Director a duly enacted resolution which clearly and unambiguously requests the Director to commence negotiations under this Act; and

(2) the Indian tribe operates its government in accordance with a written constitution or other governing document that—

(A) can be amended only by procedures explicitly set forth in such written constitution or other governing document;

(B) explicitly guarantees the civil rights protections set forth in title II of Public Law 90-284 (25 U.S.C. 1301, et seq.), popularly known as the Indian Civil Rights Act;

(C) sets forth a process for ratifying negotiated, government-to-government agreements; and

(D) has been ratified or adopted by a majority vote of all adult enrolled members of the Indian tribe at a special ratification referendum held for that purpose—

(i) in which the number of affirmative votes exceeded the sum of—

(I) the number of negative votes, and

(II) the number of adult enrolled members of the tribe who did not vote in such special ratification referendum; and

(ii) which was called by the recognized governing body of the Indian tribe, under rules and regulations the governing body considered to be fair and equitable, upon petition by at least one-third of the adult members of the Indian tribe or upon passage of a duly enacted resolution of the governing body.

(b) Upon request of an Indian tribe, by duly enacted resolution of the recognized governing body of the Indian tribe, the Secretary of the Interior and the Assistant Secretary for Indian Affairs shall waive all powers to review, approve, disapprove, and authorize, call, and hold special elections regarding the adoption, amendment, or revocation of the constitution or other governing document of the Indian tribe, but only if the recognized governing body submits to the Director, the Secretary of the Interior, and the Assistant Secretary for Indian Affairs written notice that such waiver is being requested pursuant to this Act.

(c) No officer or employee of the Executive Branch of the Federal Government, including the Director, shall require that an Indian tribe meet any requirements, other than those in subsection (a), in order to be eligible to negotiate a New Federalism Agreement.

(d) Nothing in this Act shall be construed as compelling any Indian tribe that does not voluntarily choose to pursue negotiation of a New Federalism Agreement to comply with the provisions of this section.

SEC. 202. NEGOTIATION OF NEW FEDERALISM AGREEMENTS.

(a) The Director and the designee of the recognized governing body of an eligible Indian tribe shall negotiate a mutually agreeable New Federalism Agreement. Both parties to such negotiations shall at all times negotiate in good faith in an effort to protect and advance the interests and rights of the Indian tribe and its members.

(b) Notwithstanding any other provision of law, the Director shall commence government-to-government negotiations with any eligible Indian tribe within ninety days of receiving notification from the Indian tribe in accordance with section 201(a)(1) or by such later date as may be agreed to by the Director and the Indian tribe.

(c) Any written proposal or counterproposal by one party to the negotiation of a New Federalism Agreement shall be responded to, in writing, by the other party within ninety days from receipt of such proposal or counterproposal, or by such later date as may be agreed to by the Director and the Indian tribe.

(d) Failure of the Director to comply with subsection (b) or of either party to comply with subsection (c) shall be considered bad faith negotiation in violation of subsection (a). The Director shall report any such failure to the Congress in any report submitted under section 301.

(e) Nothing in this section shall preclude the parties from mutually agreeing to arbitrate or mediate any disputes which arise from the process of negotiating a New Federalism Agreement nor from seeking relief in a United States district court for a failure to negotiate in good faith under this Act.

SEC. 203. PROVISIONS OF NEW FEDERALISM AGREEMENTS.

(a) A New Federalism Agreement between the United States and an Indian tribe shall explicitly—

(1) reaffirm the existing responsibilities and obligations of the United States and the existing rights, privileges, and immunities of the Indian tribe under treaties, Executive Orders, and Acts of Congress;

(2) recognize that the Indian tribe shall permanently retain its inherent powers and rights to exercise self-government, including, but not limited to, its power to—

(A) determine the form of its government;

(B) determine its membership;

(C) legislate;

(D) administer justice;

(E) exclude persons from its territory; and

(F) negotiate, on a government-to-government basis, with the United States, other Indian tribes, States, and local governments;

(3) waive the applicability to the Indian tribe of all provisions of Federal Indian laws (other than this Act), and regulations promulgated pursuant thereto, that require an officer or employee of the Executive Branch of the Federal Government to review, approve, or disapprove resolutions or actions of the recognized governing body of the Indian tribe;

(4) waive the applicability to the Indian tribe of all other provisions of Federal laws and regulations (except the provisions of this Act) that require an officer or employee of the Executive Branch of the Federal Government to review, approve, or disapprove resolutions or actions of the recognized governing body of the Indian tribe, but only if both parties concur that such waiver is consistent with this Act and with other provisions of such Agreement and is in the best interest of the Indian tribe and its members;

(5) allow the Indian tribe to allocate funds and to plan, redesign, conduct, consolidate, and administer programs, activities, functions, and services in accordance with tribally determined criteria, needs, priorities, and budgets;

(6) make the Indian tribe and its members ineligible for all Federal Indian programs that are in effect on the day before such Agreement is entered into;

(7) retain the future eligibility of the Indian tribe and its members for any Federal Indian programs—

(A) for which the Congress authorizes and appropriates funds after such Agreement is entered into, and

(B) which were not in effect on the day before such Agreement is entered into;

(8) retain the eligibility of the Indian tribe and its members for Federal financial assistance, programs, and services which Indians or Indian tribes receive on some basis other than their status as Indians, regardless of whether such programs specifically include Indians or Indian tribes among designated beneficiaries;

(9) require the United States to provide to the Indian tribe an annual Tribal Self-Governance Grant as a permanent entitlement in the amount determined under section 205, in lieu of eligibility for current Federal Indian programs, but no program categories or restrictions shall be placed on the use of such grant, other than the restriction that such grant must be used exclusively for the exercise of governmental functions that the recognized governing body of the Indian tribe deems essential for the benefit of the current and future members of the Indian tribe, including, but not limited to, education, health, social services, housing, economic development, resource management, and law enforcement;

(10) transfer from the United States Government to the Indian tribe, without reimbursement from the Indian tribe, and subject to laws governing disclosure of information, Federal Indian program assets, and legal title thereto, that—

(A) the Director determines are used exclusively to benefit the Indian tribe or its members; and

(B) the Director and the Indian tribe mutually consider necessary to carry out the responsibilities of the Indian tribe pursuant to such Agreement;

(11) transfer from the United States Government to the Indian tribe, without reimbursement from the Indian tribe, and subject to laws governing disclosure of information, Federal Indian program assets and legal title thereto, or interests in Federal Indian program assets and legal title thereto, that are used to benefit members of more than one Indian tribe and that the Director and the Indian tribe negotiating such Agreement mutually consider necessary to carry out the responsibilities of the Indian tribe pursuant to such Agreement, but only if—

(A) the transfer of any of such assets is approved by the recognized governing bodies of at least 75 percent of the Indian tribes whose members benefit directly from such assets, and

(B) such approving Indian tribes represent at least 75 percent of the Indians who benefit directly from such assets, as determined by the Director;

(12) require the Indian tribe to operate its government in accordance with the current written constitution or other governing document of the Indian tribe, as amended only by procedures explicitly set forth in such written constitution or other governing document;

(13) require the Indian tribe to comply with the standards of accountability set forth in section 208, and regulations promulgated pursuant thereto;

(14) recognize and specify the legal responsibilities assumed by the Indian tribe and the legal responsibilities of the United States; and

(15) set dates on which each of the above provisions of such Agreement shall become effective.

(b) Subject to the provisions of this Act, the United States and an Indian tribe may negotiate additional provisions in a New Federalism Agreement to provide for a transitional period before the provisions described in subsection (a) become fully effective.

(c) A New Federalism Agreement between the United States and an Indian tribe shall enter into full effect upon mutual agreement between the Government of the United States and the recognized governing body of the Indian tribe and the subsequent completion of the following:

(1) signing of such Agreement by the President;

(2) signing of such Agreement by the chairman, president, principal chief, governor, chief executive officer, or duly authorized representative of the Indian tribe;

(3) submission of such Agreement by the President to the Select Committee on Indian Affairs of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives;

(4) approval of such Agreement by the Congress by a bill enacted into law; and

(5) ratification of such Agreement by the Indian tribe in accordance with the written constitution or other governing document of the Indian tribe.

(d) Attempts to negotiate an agreement that would not be in full compliance with the provisions of subsections (a), (b), and (c) shall be considered bad faith negotiation in violation of section 202(a). The Director shall report any such attempts to the Congress in any report submitted under section 301.

SEC. 204. LIMITATIONS ON NEW FEDERALISM AGREEMENTS.

(a) Any New Federalism Agreement between the United States and an Indian tribe shall not—

(1) abrogate or deny the Federal trust responsibility or any right, privilege, or immunity afforded any Indian tribe or Indian under any treaty, Executive Order, or Act of Congress;

(2) affect any claim by an Indian tribe or Indian against the United States;

(3) affect or modify, in any way, the right of any Tribe or any State or local government to exercise power in Indian country, including, but not limited to—

(A) jurisdiction over criminal offenses;

(B) jurisdiction over civil causes of action;

(C) jurisdiction to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of any real or personal property, including water rights, belonging to any Indian or Indian tribe, or any interest therein;

(D) power to tax or regulate the use of real or personal property, including water rights, of any Indian or Indian tribe; or

(E) power to regulate, control, license, or tax hunting, trapping, fishing, gathering, or other behavior.

(b) Attempts to negotiate an agreement that would not be in full compliance with the provisions of subsection (a) shall be considered bad faith negotiation in violation of section 202(a). The Director shall report any such attempts to the Congress in any report submitted under section 301.

SEC. 205. TRIBAL SELF-GOVERNANCE GRANTS.

(a) The Director shall provide to each Indian tribe, under the terms of a New Federalism Agreement entered into by the Indian tribe that is in effect, a Tribal Self-Governance Grant in the amount determined with respect to the Indian tribe under subsection (b).

(b)(1)(A) For the first fiscal year in which an Indian tribe is to receive a Tribal Self-Governance Grant, the Indian tribe shall be entitled to receive as the Tribal Self-Governance Grant a total amount equal to the Indian tribe's proportional share of the sum of—

(i) the total amount appropriated for the fiscal year for all Federal Indian programs, plus

(ii) the total amount appropriated for the fiscal year for all Tribal Self-Governance Grants.

(B) For purposes of subparagraph (A), the proportional share of an Indian tribe is the percentage determined by dividing the population of the Indian tribe by the total population of all Indian tribes. Such calculations shall be made using the extended service population figures of the Bureau of Indian Affairs of the Department of the Interior, as of November 1, 1989.

(C) If an eligible Indian tribe whose membership was not counted as part of the extended service population figures of the Bureau of Indian Affairs of the Department of the Interior as of November 1, 1989, notifies the Director of its intent to negotiate a New Federalism Agreement pursuant to section 201(a)(1), the Director shall estimate a fair and equitable amount for the Tribal Self-Governance Grant of the Indian tribe and shall request in writing that the Congress authorize and appropriate additional funds in the amount of such estimate.

(2) For the second fiscal year in which an Indian tribe is to receive a Tribal Self-Governance Grant under the terms of a New Federalism Agreement, and for each fiscal year thereafter, the Indian tribe shall be entitled to receive as the Tribal Self-Governance Grant the same total amount that the Indian tribe received as the Tribal Self-Governance Grant in the previous fiscal year, adjusted for each fiscal year by a cost-of-living allowance equal to the percentage change in the United States Gross National Product Implicit Deflator, using the beginning of fiscal year 1992 as the base.

(c) The Director shall make such adjustments for population for purposes of this section as may be necessary on the basis of each decimal census following the date of the enactment of this Act.

(d) Tribal Self-Governance Grants shall be exempt from reduction under any order issued under part C of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901, et seq.).

(e) Notwithstanding any other provision of law, any Tribal Self-Governance Grant shall be treated as tribal funds that were not derived from the Federal Government for the purpose of any Federal law which requires the Indian tribe to make a contribution in order to receive further Federal funds.

(f) Tribal Self-Governance Grants shall be obligated on October 1 of each fiscal year and shall be advanced in accordance with applicable Treasury regulations and shall remain available for obligation and expenditure during any subsequent fiscal year.

(g) Except as otherwise provided, approval of a New Federalism Agreement by the Government of the United States shall constitute a pledge of the full faith and credit of the United States for the full payment of the Tribal Self-Governance Grants specified in this section. Such obligation of the United States under this title shall be enforceable in the United States Claims Court, or its successor court, which shall have jurisdiction in cases arising under this Act.

The decisions of such Court shall be reviewable as provided under Federal law.

SEC. 206. PURCHASE OF LAND.

An Indian tribe that expends funds derived from a Tribal Self-Governance Grant to purchase land, or a majority interest therein, within the boundaries of the reservation of the Indian tribe (or adjoining, on at least two sides, lands subject to the Indian tribe's jurisdiction) may, by duly enacted resolution of the recognized governing body of the Indian tribe, extend its jurisdiction to the newly acquired land.

SEC. 207. EFFECT ON EXISTING RIGHTS AND PROGRAM ELIGIBILITY.

(a) Nothing in this Act, or in any New Federalism Agreement entered into pursuant to this Act, shall be construed as—

(1) requiring or permitting the termination of any existing trust responsibility of the United States with respect to any Indians;

(2) affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from suit enjoyed by any Indian tribe;

(3) affecting, modifying, diminishing, or otherwise impairing the existing immunity of any Indian tribe or Indian from any State's power to administer justice, regulate behavior, or tax persons or property;

(4) affecting the existing eligibility for Federal financial assistance of State or local governments, or school systems or agencies thereof;

(5) affecting the existing obligations of State or local governments, or school systems or agencies thereof; or

(6) having any effect described in section 204.

(b) Notwithstanding any other provision of law, receipt of a Tribal Self-Governance Grant shall not, by itself, preclude the eligibility of an Indian tribe or its members to receive, or benefit from—

(1) Federal financial assistance, programs, or services which Indians or Indian tribes receive on some basis other than their status as Indians, regardless of whether such program specifically includes Indians or Indian tribes among designated beneficiaries; or

(2) State or local governmental financial assistance, programs, or services.

SEC. 208. STANDARDS OF ACCOUNTABILITY.

(a) Any Indian tribe that receives a Tribal Self-Governance Grant shall retain, for at least five years, such records as the Director may prescribe by regulation, including any books, documents, papers, automated data and files, and records which may be necessary to—

(1) facilitate an effective annual single-agency audit, as required by chapter 75 of title 31, United States Code; and

(2) certify an annual financial statement, prepared in accordance with generally accepted accounting principles, which accounts for the use of all Federal funds, including but not limited to Tribal Self-Governance Grants, expended or obligated by the Indian tribe, its recognized governing body, or any legally established organization which is controlled, sanctioned, or chartered by such governing body.

(b) Records retained pursuant to subsection (a) shall be available, for the purpose of audit and examination, to—

(1) any adult member of the Indian tribe;

(2) the Director or his duly authorized representative; and

(3) the Comptroller General of the United States or his duly authorized representative.

(c)(1) For each fiscal year during which an Indian tribe receives a Tribal Self-Governance Grant, the Indian tribe shall submit to the Director a report including a certified financial statement, as set forth in subsection (a)(2), and such other information as the Director may request through regulations. The reports shall be in such form and detail and shall be submitted at such time as the Director may prescribe.

(2) Within thirty days of submission of a report required under paragraph (1) to the Director, the Indian tribe shall mail copies of such report, in an easily readable and understandable form, to each household containing one or more adult members of the Indian tribe.

(d) The Comptroller General of the United States shall make such reviews of the actions taken by the Director and the Indian tribes under this Act as may be necessary for the Congress to evaluate compliance and operations under this Act.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REPORTING TO CONGRESS AND THE INDIAN PEOPLE.

(a) By no later than March 1 of each year, the Director shall submit to the President, the Congress, and each Indian tribe an annual report, in an easily readable and understandable form, on the activities of the Office and the implementation of this Act. Such report shall include summaries of—

(1) statistical data comparing the socioeconomic conditions and governmental budgets of Indian tribes that have entered into New Federalism Agreements with such conditions and budgets of Indian tribes that have not entered such Agreements;

(2) instances of noncompliance with sections 104 or 105 by any Federal department or agency;

(3) instances of bad faith negotiation, pursuant to sections 202, 203, or 204; and

(4) views of each Indian tribe that has requested, engaged in, or completed, negotiations regarding a New Federalism Agreement.

(b) Within thirty days of delivery of such report to the President, the Congress, and the Indian tribes, the Director shall mail a summary of such report, in an easily readable and understandable form, to each household containing one or more Indian adults.

(c)(1) In addition to any report required under subsection (a) or (b), the Director shall submit a written report to the President, the Congress, and the recognized governing body of an Indian tribe within sixty days from the date on which the Director determines that the Indian tribe, subsequent to entering into a New Federalism Agreement—

(A) seriously violates the rights or significantly endangers the health, safety, or welfare of any persons;

(B) engages in a clear pattern of gross negligence or mismanagement in the handling of Tribal Self-Governance Grants or Federal Indian program assets provided to the Indian tribe pursuant to such Agreement; or

(C) clearly expresses a desire to renegotiate or reverse fundamental provisions of such Agreement by—

(i) duly enacting a resolution of the tribe's recognized governing body which clearly and unambiguously requests such renegotiation or reversal; and

(ii) requesting such renegotiation or reversal by a majority vote of all adult enrolled members of the tribe at a special referendum held for that purpose and conducted in the same manner as provided in section 201(a)(2)(D).

(2) Any report submitted by the Director under paragraph (1) shall outline the performance of the Indian tribe under the New Federalism Agreement and recommend specific and appropriate corrective action.

SEC. 302. PERSONNEL.

(a) Upon leaving Federal employment to be employed by an Indian tribe that enters into a New Federalism Agreement, the civil service employment rights of a Federal employee employed in connection with a Federal Indian program and serving under an appointment not limited to one year or less are entitled to the same protections provided under subsections (e) through (i) of section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i).

(b) In coordination with the affected Federal department or agency, the Director shall provide such assistance, other than financial assistance, as the Director deems necessary and proper to any Federal employee, not covered by subsection (a), serving under an appointment not limited to one year or less who has left or will soon leave Federal employment because of the elimination of such employee's position by the transfer of Federal Indian programs from the Federal Government to an Indian tribe that enters into a New Federalism Agreement.

SEC. 303. PROMULGATION OF RULES AND REGULATIONS.

(a) The Director is authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper to carry out the provisions of this Act. All of such rules and regulations shall be made in a manner that promotes the maximum participation of Indian tribes.

(b)(1) Within eight months after the date of enactment of this Act, the Director shall consider and formulate appropriate regulations to implement the provisions of this Act, with the maximum participation of Indian tribes.

(2) Within eleven months after the date of enactment of this Act, the Director shall present the proposed regulations to the Select Committee on Indian Affairs of the Senate and to the Committee on Interior and Insular Affairs of the House of Representatives.

(3) Within twelve months after the date of enactment of this Act, the Director shall publish proposed regulations in the Federal Register for the purpose of receiving comments from Indian tribes and other interested parties.

(4) Within eighteen months after the date of enactment of this Act, the Director shall promulgate regulations to implement the provisions of this Act.

(c) In order to make such rules and regulations as may be necessary and proper to carry out section 208, the Director shall—

(1) promote the maximum participation of Indian tribes;

(2) consult with the Director of the Office of Management and Budget;

(3) consult with the Comptroller General of the United States; and

(4) examine those standards of accountability which State and local governments that are similar to Indian tribes in size, geography, demography, and economy (including rural county governments) must meet in order to receive Federal funds.

SEC. 304. SAVING CLAUSE; SEVERABILITY.

(a) To the extent that there is a conflict between any provision of this Act and any

other provision of Federal Indian law, the provisions of this Act shall govern.

(b) If any provision of this Act or the application thereof to any Indian tribe, entity, person, or circumstance is held invalid, neither the remaining provisions of this Act, nor the application of any provisions herein to other Indian tribes, entities, persons, or circumstances, shall be affected thereby.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated for the fiscal year in which this Act is enacted, and for each fiscal year thereafter, such sums as may be necessary to carry out the provisions of this Act. Such sums shall remain available until expended.

(b) Notwithstanding subsection (a), nothing in this Act shall be considered to authorize appropriations for any Tribal Self-Governance Grant—

(1) for the fiscal year in which this Act is enacted or the first fiscal year succeeding such year; or

(2) for an Indian tribe if the New Federalism Agreement entered into by the Indian tribe has taken effect, in accordance with section 203(c), less than twelve months before such appropriation.

(c) Funds for Tribal Self-Governance Grants made to Indian tribes for the first fiscal year for which the Indian tribes are to receive a Tribal Self-Governance Grant shall be transferred or reprogrammed from the appropriations made for Federal Indian programs by a uniform percentage reduction in the appropriations made for the Federal Indian programs of each Federal department and agency for that fiscal year.●

● Mr. McCAIN. Mr. President, I am pleased to join with Senator DECONCINI today as a cosponsor of a bill to authorize a new federalism for Indian tribes. I view this bill as an important step in continuing the dialog necessary to resolve many of the problems in the administration of Federal Indian programs which were identified by the Special Committee on Investigations during the last 2 years.

It is abundantly clear that we have failed to keep many of our basic commitments to the Indian tribes. Among the most basic of our promises was that the tribes would continue to be self-governing in return for their agreement to cede most of their lands to the United States. Instead of true self-governance, the tribes now find themselves having to contend with an often arbitrary and wasteful Federal bureaucracy which meddles in all aspects of Indian governance.

During the 100th Congress, Senator INOUYE, the chairman of the Select Committee on Indian Affairs, along with Senator EVANS, responded to tribal pleas for true self-governance by establishing a self-governance demonstration project. Seventeen tribes are currently participating in this project and I am confident that they will successfully demonstrate their ability to operate their governments free from stifling Federal bureaucratic controls. The concept of a new federalism seeks to build upon the self-governance demonstration project and to extend it to all interested tribes.

Mr. President, I am sure that this bill is an important vehicle for discussion. I believe that it will help everyone focus on some of the more difficult issues involved in promoting tribal self-governance. I have already heard from Indian leaders who are concerned about allocations of Federal funds and the continuation of the trust responsibility. It is important for everyone to understand that it will take a lot of careful thought and discussion before we can craft final legislative language on these issues and other points of concern. Some Indian leaders have flatly rejected the concept of New Federalism as nothing more than a disguise for the discredited policy of termination. While I appreciate this concern, nothing could be further from the truth. We propose to strengthen, not eliminate, the role of tribal governments in our Federal system. I voted in the 100th Congress to repeal the termination resolution and I will not support any legislative action which would return us to that misguided policy.

I welcome the views of all interested parties as we deliberate on this issue in the months and years ahead.●

By Mr. BOSCHWITZ:

S. 2513. A bill to require Congress to purchase recycled paper and paper products to the greatest extent practicable; to the Committee on Governmental Affairs.

CONGRESSIONAL RECYCLING ACT

● Mr. BOSCHWITZ. Mr. President, I rise today to introduce the Congressional Recycling Act of 1990.

According to the Environmental Protection Agency, Americans generate 160 million tons of trash every year, 50 percent of the world's total trash. Only 10 percent of this trash is recycled—most of the rest is disposed of in landfills. As I have stated here before, we cannot let this trend continue. The EPA expects that 75 percent of our existing landfills will be closed within 15 years, and they do not anticipate many new ones being opened.

For this reason, I think it is imperative that we encourage the American people to recycle more and use more recycled products. I am pleased by the number of bills that have been introduced in Congress to promote recycling—indeed, I sponsored one myself to encourage the recycling of old newsprint. However, I feel that we as a Congress must set the example for the rest of the Nation. Congress currently produces 20,000 tons of trash every year. Last year, we passed a resolution that I sponsored to set up a Senate recycling program. Now, offices on the fifth and sixth floors of the Hart Building, including my office, are participating in a pilot program that I hope will be expanded to the entire Congress by the end of the year.

We need to do more, though. In addition to sorting our garbage for recycling, we need to use as many recycled products as we can here in Congress. The House Clerk and Senate Secretary already provide our offices with many recycled paper products. The letterhead stationery that we all use is made of 50-percent recycled fibers, and the Senate Secretary is currently studying the use of recycled copier paper in Senate offices.

But we must ensure that we use recycled paper whenever possible in order to set an example for the rest of the Nation to follow. The bill I am introducing here today would require the Clerk of the House of Representatives and the Secretary of the Senate to buy recycled paper and paper products whenever possible, assuming that the cost of such products is not excessive.

We in Congress can do our part to solve the impending garbage crisis by using recycled products. Efforts to promote recycling are being undertaken across the Nation, and it is important that we participate in these efforts.

Mr. President, I ask unanimous consent that the bill be printed in full in the RECORD.

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

S. 2513

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 "Congressional Recycling Act of 1990".

SEC. 2. REQUIREMENT FOR CONGRESS TO PURCHASE RECYCLED PAPER AND PAPER PRODUCTS.

(a) PAPER PURCHASED BY CONGRESS.—(1) The Clerk of the House of Representatives and the Secretary of the Senate shall take such action as may be necessary to assure that recycled paper and paper products are used to the greatest extent practicable in the operations of the House of Representatives and the Senate, respectively. Any decision not to use recycled paper or paper products shall be based on a determination that such items are (A) not available, or (B) available only at an unreasonable price.

(2) In carrying out the requirement of paragraph (1), the Clerk of the House and the Secretary of the Senate shall, at a minimum, take such action as may be necessary to assure that recycled paper or paper products are purchased under each contract, or subcontract under a contract, for the procurement of 10,000 pounds or more of paper or paper products.

(b) PAPER PURCHASED FOR CONGRESSIONAL PURPOSES.—The Public Printer shall take such action as may be necessary to assure that, in providing printing and other services to the House of Representatives, the Government Printing Office uses recycled paper and paper products to the greatest extent practicable. Any decision not to use recycled paper or paper products shall be

based on a determination that such items are (A) not available, or (B) available only at an unreasonable price.

(c) UNREASONABLE PRICE.—For purposes of this Act, an unreasonable price is one which exceeds by more than 10 percent the price of nonrecycled paper or paper products.

(d) DEFINITIONS.—For purposes of this Act:

(1) The term "paper and paper products" includes printing and writing paper, corrugated boxes, napkins, tissue paper, and such other paper and paper products as may be considered necessary or appropriate to be included in such term by the Clerk of the House of Representatives, the Secretary of the Senate, or the Public Printer in implementing this Act.

(2) The term "recycled paper and paper products" means paper and paper products that contain the level of recovered material recommended by the Administrator of the Environmental Protection Agency in guidelines for Federal procurement of paper and paper products containing recovered materials, prepared pursuant to section 6002 of the solid Waste Disposal Act (42 U.S.C. 6962).

SEC. 3. ANNUAL REPORTS.

The Clerk of the House of Representatives and the Secretary of the Senate, in consultation with the Public Printer, shall each publish a report on the implementation of this Act in the House of Representatives and the Senate, respectively. Each report shall include information on the progress and problems associated with such implementation, and findings and recommendations with respect to such implementation.●

By Mr. PELL (by request):

S. 2514. A bill to authorize appropriations for activities under the Peace Corps Act for fiscal year 1991, and for other purposes; to the Committee on Foreign Relations.

PEACE CORPS ACT AMENDMENTS

● Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to authorize appropriations for activities under the Peace Corps Act for fiscal year 1991, and for other purposes.

This proposed legislation has been requested by the Peace Corps, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Director of the Peace Corps to the President of the Senate, which was received on April 18, 1990.

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

S. 2514

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 "Peace Corps Act Amendments of 1990".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b) of the Peace Corps Act (hereinafter the "Act") is amended to read as follows: "There are authorized to be appropriated $181,061,000 for the fiscal year 1991."

SEC. 3. DEPOSIT REQUIREMENT FOR RETIREMENT CREDIT FOR SERVICE AS VOLUNTEER OR VOLUNTEER LEADER AT AGE 62.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) EXCEPTION TO EXCLUDABILITY OF SERVICE.—Section 8332(j) of title 5, United States Code, is amended—

(A) in paragraph (1) by striking our "chapter 34 of title 22" each place it appears and inserting in lieu therof "the Peace Corps"; and

(B) by adding at the end thereof the following new paragraph:

"(3) The provisions of paragraph (1) of this subsection relating to credit for service as a volunteer or volunteer leader under the Peace Corps Act shall not apply to any period of service as volunteer or volunteer leader under that Act of an employee or Member with respect to which the employee or Member has made a deposit with interest, if any, under section 8334(1) of this title.".

(2) DEPOSITS.—

(A) DEPOSITS FROM READJUSTMENT ALLOWANCE.—Section 8334 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(1)(1) Each employee or Member who has performed service as volunteer or volunteer leader under the Peace Corps Act before the date of the separation on which the entitlement to any annuity under this subchapter is based may pay, in accordance with such regulations as the Office shall issue, to the agency by which the employee is employed, or in the case of a Member or a Congressional employee, to the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, an amount equal to 7 percent of the readjustment allowance paid under sections 5(c) and 6(1) of the Peace Corps act to the employee or Member for each period of service as such a volunteer or volunteer leader.

"(2) Any deposit made under paragraph (1) more than 2 years after the later of—(A) the date of enactment of the Peace Corps Act Amendments of 1990, or (B) the date on which the employee or Member making the deposit first becomes an employee or Member, shall include interest on such amount computed and compounded annually beginning on the date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under subsection (e) of this section.

"(3) Any payment received by an agency, the Secretary of the Senate, or the Clerk of the House of Representatives under this subsection shall be immediately remitted to the Office for deposit in the Treasury of the United States to the credit of the Fund.

"(4) The Director of the Peace Corps shall furnish such information to the Office as the Office may determine to be necessary for the administration of this subsection.".

(B) CONFORMING AMENDMENT.—Section 8334(e) of title 5, United States Code, is amended in paragraphs (1) and (2) by striking out "or (k)", and inserting in lieu thereof "(k), or (l)".

(3) TECHNICAL AMENDMENT.—Section 8332(b)(5) of title 5, United States Code, is amended by striking out "chapter 34 of title 22" and inserting in lieu thereof "the Peace Corps Act".

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

(1) CREDITABILITY OF SERVICE.—Section 8411 of title 5, United States Code, is amended—

(A) in subsection (b)(3) by striking out "subsection (f)" and inserting in lieu thereof "subsection (f) or (g)'; and

(B) by adding at the end thereof the following new subsection: "(g) An employee or Member shall be allowed credit for service as a volunteer or volunteer leader under the Peace Corps Act only if the employee or Member has made a deposit with interest, if any, with respect to such service under section 8422(f).".

(2) DEPOSITS.—Section 8422 of title 5, United States Code is amended by adding at the end thereof the following new subsection:

"(f)(1) Each employee or Member who has performed service as a volunteer or volunteer leader under the Peace Corps Act before the date of the separation on which the entitlement to any annunity under this subchapter, or subchapter V of this chapter, is based may pay, in accordance with such regulations as the Office shall issue, to the agency by which the employee is employed, or, in the case of a Member or a congressional employee, to the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, an amount equal to 3 percent of the readjustment allowance paid under sections 5(c) and 6(1) of the Peace Corps Act to the employee or Member for each period of service as such a volunteer or volunteer leader.

"(2) Any deposit made under paragraph (1) more than 2 years after the later of—

(A) the date of enactment of the Peace Corps Act Amendments of 1990, or

(B) the date on which the employee or Member making the deposit first becomes an employee or Member, shall include interest on such amount computed and compounded annually beginning on the date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under section 8334(e).

"(3) Any payment received by an agency, the Secretary of the Senate, or the Clerk of the House of Representatives under this subchapter shall be immediately remitted to the Office for deposit in the Treasury of the United States to the credit of the Fund.

"(4) The Director of the Peace Corps shall furnish such information to the Office as the Office may determine to be necessary for the administration of this subsection.".

(c) APPLICABILITY; OTHER PROVISIONS.—

(1) APPLICABILITY.—The amendments made by subsections (a) and (b) shall apply with respect to credit for service as a volunteer or volunteer leader under the Peace Corps Act in the case of any individual who is entitled to an annuity under subchapter III of chapter 83 of title 5, United States Code, on the basis of a separation from service occurring on or after the effective date of this Act, or to an individual entitled to an annuity under chapter 84 title 5 on the basis of a separation from service occurring before, on, or after the effective date of this Act. In the case of any individual whose entitlement to annuity is based on a separation from service occurring before the 180th day following the date of enactment of this Act, the Office of Personnel Management

shall provide an opportunity for such individual to make the deposit required by section 8422(f) of title 5, United States Code, as added by this Act. Any increase in such individual's annuity on the basis of such deposit shall be effective with respect to annuity payments payable for calendar months beginning after September 30, 1990. In the case of any individuals whose entitlement to annuity under subchapter III of chapter 83 is based on a separation from service occurring before the date of enactment of this Act, credit for service under such subchapter III shall be subject to paragraph (2) through (6).

(2) REDUCTION FORMULA.—Subject to paragraph (3), in any case in which an individual described in the fourth sentence of paragraph (1) is also entitled to old-age or survivors' insurance benefits under section 202 of the Social Security Act (or would be entitled to such benefits upon filing application therefor), the amount of the annuity to which such individual is entitled under the subchapter III of chapter 83 of title 5, United States Code (after taking into account service as a volunteer or volunteer leader under the Peace Corps Act) which is payable for any month shall be reduced by an amount determined by multiplying the amount of such old-age or survivor's insurance benefit for the determination month by a fraction—

(A) the numerator of which is the total of the wages (within the meaning of section 209 of the Social Security Act) for service as a volunteer or volunteer leader under the Peace Corps Act of such individual credited for years before the calendar year in which the determination month occurs, up to the contribution and benefit base determined under section 230 of the Social Security Act (or other applicable maximum annual amount referred to in section 215(e)(1) of such Act) for each such year, and

(B) the denominator of which is the total of all wages described in subparagraph (A) of this subsection plus all other wages (within the meaning of section 209 of such Act) and all self-employment income (within the meaning of section 211(b) of such Act) of such individual credited for years after 1936 and before the calendar year in which the determination month occurs, up to the contribution and benefit base (or such other amount referred to in such section 215(e)(1) for each such year.

(3) MINIMUM ANNUITY.—Paragraph (2) shall not reduce the annuity of any individual below the amount of the annuity which would be payable to the individual for the determination month if service of a volunteer or volunteer leader under the Peace Corps Act were not creditable in the computation of the individual's annuity for such month.

(4) DEFINITION.—For purposes of this subsection, the term "determination month" means—

(A) the first month the individual described in the fourth sentence of paragraph (1) is entitled to old-age or survivors' benefits under section 202(a) of the Social Security Act (or would be entitled to such benefits upon filing application therefor); or

(B) October 1990, in the case of any individual so entitled to such benefits for such month.

(5) EFFECTIVE DATE.—The provisions of paragraphs (2) through (4) of this subsection shall take effect with respect to any annuity payment payable under subchapter III of chapter 83 of title 5, United States Code, for calendar months beginning after September 30, 1990.

(6) INFORMATION.—The Secretary of Health and Human Services shall furnish such information to the Office of Personnel Management as may be necessary to carry out the preceding provisions of this subsection.

SECTION-BY-SECTION ANALYSIS

Section 1 provides a short title for the bill, the "Peace Corps Act Amendments of 1990".

Section 2 amends Section 3 of the Peace Corps Act (hereinafter the "Act") to authorize the appropriation of $181,061,000 to support the activities authorized by the Act in fiscal year 1991.

Section 3 amends provisions of title 5, United States Peace Code, relating to the Civil Service Retirement System and the Federal Employees Retirement System to correct a problem relating to the crediting of Peace Corps Volunteer service in the computation of federal retirement benefits. Section 5(f) of the Peace Corps Act, and section 8332(f)(5) of title 5, United States Code, authorize the crediting of periods of satisfactory Peace Corps Volunteer Service for federal retirement purposes if the Volunteer becomes a federal employee after his or her Volunteer service and later qualifies for federal civilian retirement benefits. Peace Corps Volunteer service is also made creditable service for purposes of Old Age and Survivors Insurance (Social Security) by 42 U.S.C. § 410(o).

However, 5 U.S.C. § 8832(j) requires that former Volunteers who are eligible for both Civil Service Retirement benefits and Social Security benefits cannot use the credit they earned through Peace Corps Volunteer service in computing the level of their Civil Service Retirement benefits. Thus, a retired federal employee who is eligible for Civil Service Retirement benefits, and also for Social Security benefits in any amount would have his or her federal pension reduced by the amount attributable to Peace Corps Volunteer service upon reaching age 62, the age of eligibility for Social Security benefits.

An identical exclusion, applicable to post-1956 military service, was eliminated in 1982 (Public Law 97-253, approved September 8, 1982), by permitting the employee to retain eligibility for Civil Service retirement benefits attributable to military service by making a deposit, with interest, to the Civil Service Retirement and Disability Fund. The amendment proposed would extend the same opportunity to former Peace Corps Volunteers.

Under the proposed amendment, a former Volunteer, at age 62, would be entitled to retain the credit already authorized by the Peace Corps Act for his or her volunteer service for Civil Service Retirement System purposes, or for Federal Employee Retirement System purposes, by making a deposit of an appropriate percentage of his or her Peace Corps readjustment allowance in the Civil Service Retirement and Disability Fund. Under 5 U.S.C. § 8332(f) only the Peace Corps Volunteer's readjustment allowance is deemed to be pay for CSRS purposes. Deposits made more than two years after the later of the date of enactment of the Peace Corps Act Amendments of 1990, or the date on which the former Volunteer first becomes eligible for participation in the CSRS or FERS would be required to include interest on the amount of the deposit compounded annually beginning on the date of expiration of the two-year grace period. The civil service retirement benefits payable to former Volunteers who elect Civil Service Retirement System benefits would be reduced by an amount of their Social Security benefits calculated on the basis of the ratio between their Peace Corps Volunteer service wages and their total Civil Service wages.

PEACE CORPS,
OFFICE OF THE DIRECTOR,
Washington, DC, April 12, 1990.

Hon. DAN QUAYLE,
President of the Senate, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: On behalf of the United States Peace Corps, I am pleased to propose legislation authorizing activities under the Peace Corps Act for fiscal year 1991.

These activities, carried out principally by Peace Corps Volunteers, advance the three basic goals of the Peace Corps Act: to help the peoples of interested countries and areas meet their needs for trained manpower, to help promote understanding of the American people by such peoples, and a better understanding of such peoples by the American people. In these ways, we can continue to advance the stated purpose of the Act, "to promote world peace and friendship."

The bill would authorize $181,061,000, the amount of the President's budget request, for fiscal year 1991.

Our proposed bill would also correct a retirement systems benefit problem which affects former Peace Corps Volunteers. Currently, former Volunteers eligible for old age benefits under the Civil Service Act lose, at age 62, the credit already authorized for volunteer service by the Peace Corps Act in computing civil service retirement benefits. The bill would rectify this inequity, placing former volunteers in a position similar to former members of the armed services.

We would appreciate your consideration and enactment of this proposal. The Office of Management and Budget advises that there is no objection to the presentation of this proposal to Congress and that its enactment would be in accord with the program of the President.

Sincerely,

PAUL D. COVERDELL,
Director, U.S. Peace Corps.●

By Mr. SIMON:

S. 2515. A bill to amend the Health Care Quality Improvement Act of 1986 to prohibit discrimination against international medical graduates, to provide for the establishment of a National Repository of Physician Records, and for other purposes; to the Committee on Labor and Human Resources.

INTERNATIONAL MEDICAL GRADUATES ANTI-DISCRIMINATION ACT

● Mr. SIMON. Mr. President, I rise today to introduce the International Medical Graduates Anti-Discrimination Act. This act amends the Health Care Quality Improvement Act of 1986 and prohibits discrimination against international medical graduates, provides for the establishment of a National Repository of Physician Records, and establishes a licensing examination grant program.

International medical graduates have been an integral part of our health care system. They represent 22

percent of all physicians, and of the 123,000 international medical graduates, 48,000 are Board certified. Direct medical care is critical in our health care delivery system and 80 percent of international medical graduates provide this type of care. They also play an important role in the education and training of future physicians. Twenty percent of international medical graduates are on the staff of private or public teaching hospitals and universities and almost 50 percent of physicians at the National Institutes of Health are international medical graduates. It is important to recognize that international medical graduates are not comprised solely of foreign nationals since almost 29 percent of international medical graduates are U.S. citizens.

The treatment of international medical graduates has been a social injustice that we can no longer ignore. The elimination of discrimination must be our No. 1 goal and redressing the wrongs inflicted upon international medical graduates is one step toward that goal.

International medical graduates have found it difficult to practice in this country. The creation of the National Repository of Physician Records will provide international medical graduates with a structure that will facilitate licensing by endorsement. No longer will these physicians have to wait for months upon months for official records to arrive from their medical school which is continents away.

At present, international medical graduates are prohibited from taking the third part of the National Licensing Examination. Instead, they are required to take an alternate examination. This bill will eliminate the dual examination system. One exam will be administered to all medical graduates irrespective of where they received their medical degree.

Countless case studies have been documented describing the differential treatment provided to international medical graduates. We must end this double standard in which we rely so heavily upon international medical graduates to provide health care but treat them as second-class citizens.

The lack of access to health care in our society has been well documented and international medical graduates can be a valuable resource and be a part of the solution to our health care crisis. The access to health care can never come at the expense of quality of care to our citizens. Establishing requirements that are equal for both international medical graduates and domestically trained graduates can only lead to a health care system that provides both greater access and quality care to our citizens.

I call on my distinguished colleagues to join me in cosponsoring this act.●

By Mr. EXON (for himself, Mr. HATCH, and Mr. BINGAMAN):

S. 2516. A bill to augment and improve the quality of international data compiled by the Bureau of Economic Analysis under the International Investment and Trade in Service Survey Act by allowing that agency to share statistical establishment list information compiled by the Bureau of the Census, and for other purposes; to the Committee on Commerce, Science, and Transportation.

INTERNATIONAL DATA IMPROVEMENT ACT

Mr. EXON. Mr. President, I am pleased to introduce on behalf of the Bush administration the Foreign Investment Analysis Act of 1990. Congressman NORM LENT, of New York, is also introducing identical legislation in the House of Representatives.

This legislation would improve the collection and analysis of information on foreign investment in the United States. I worked closely with the Reagan administration in reaching agreement on the Exon-Florio law which gave the President the power to investigate and if necessary stop a foreign purchase of an American company when such a transaction might threaten U.S. national security.

I am pleased to now work with the Bush administration to improve the Nation's analysis of data on foreign investment. It is crucial that policymakers in Congress and the administration have a clear, accurate, and useful picture of actual trends in foreign investment. Current data collection procedures on foreign investment present an incomplete and distorted picture of foreign ownership of U.S. assets.

This legislation would allow the Bureau of Economic Analysis [BEA] and the Bureau of the Census, both agencies of the U.S. Department of Commerce, to cooperate and share data to provide better information on foreign investment. The information would be used for statistical analysis and the confidentiality of data submitted to both agencies would be strictly protected.

Under current law, the Census Bureau collects and classifies information on all business enterprises and establishments operating in the United States and the BEA only collects and classifies information on foreign-owned enterprises. In other words, the BEA which has foreign investment analysis responsibilities within the Department of Commerce does not currently classify information about foreign businesses operating in the United States at the smaller, operational level; it only classifies information at the enterprise for parent company level.

To illustrate the current problem, a foreign oil company with chemical, electronics, and transportation businesses, for example, would be classified as a foreign oil company under current BEA practice. The Census Bureau, on the other hand, collects information at the more useful operational or establishment level and would classify each of the individual operations of the larger parent company as well as the primary business of the parent company.

The bills Congressman LENT and I are introducing on behalf of the Bush administration would give the BEA confidential access to the more useful information gathered by the Census Bureau. With such information access, the BEA will be able to give the Congress and the administration a much better understanding of the true nature of foreign ownership in the United States.

Once enacted and implemented, it would be possible to understand the true level of foreign ownership in various industries. To ensure that cooperation between BEA and Census Bureau does not compromise confidential information, the penalties for those who may violate the confidentiality requirements are increased.

The bill also requires the Secretary of Commerce to report to the Congress on the progress of the cooperation between the two agencies and to report on the accuracy of the analysis of the new data base.

Mr. President, I have repeatedly expressed my concern about America's growing dependence on foreign capital. At risk is America's economic independence.

The President recognized a similar concern in his 1991 budget transmission which stated that while foreign capital inflows cushioned U.S. domestic investment and helped sustain growth, foreign capital is "a second-best solution in comparison with increasing domestic saving." The budget statement continues, "when foreign savers provide capital, the future interest and dividend returns flow abroad rather than providing income for Americans."

The Bush administration is to be congratulated for its frank assessment of foreign investment issues in its budget and for its admission that the data presently available on the level of foreign ownership in the United States is not as good as it could be.

The Foreign Investment Analysis Act of 1990 is a constructive addition to the debate on the role that foreign ownership should play in the U.S. economy. Some suggest that Americans should simply be grateful for their jobs at foreign-owned businesses. I say that jobs are not enough. While American economic policy certainly should be concerned about the creation of jobs, it must also be concerned about the creation of American wealth.

A better understanding of the level of foreign ownership will help the

Congress and President better craft economic policy. Among the policies encouraged by the public's concern about the increasing level of foreign investment could be a better use of the Exon-Florio law, stronger efforts to reduce the Federal budget deficit, a more aggressive U.S. technology policy, and broad efforts to increase U.S. competitiveness.

Mr. President, I understand that some of my colleagues may wish to do more in this area. Senators MURKOWSKI and HARKIN have also done excellent work on this issue. The bill I introduce today represents what the Bush administration is willing to do. I am hopeful that this bill will come to represent a consensus position on this important matter. I look forward to working with my colleagues and the Bush administration to enact this needed legislation.

Mr. President, I encourage my colleagues to join me in support of the Foreign Investment Analysis Act of 1990.

I ask unanimous consent that the text of the bill be printed at the conclusion of my remarks and properly referred.

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

S. 2516

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 "International Data Improvement Act of 1990."

SEC. 2. AMENDMENT TO THE INTERNATIONAL INVESTMENT AND TRADE IN SERVICES SURVEY ACT.

Section 4(a) of the International Investment and Trade in Services Survey Act, 22 U.S.C. 3103(a) is amended by striking the "and" at the end of paragraph (4); striking the "." at the end of paragraph (5) and inserting in lieu thereof ";"; and by adding a new paragraph (6) to read as follows:

"(6) report to Congress on the progress of the integration of statistical establishment list information from the Census Bureau as authorized under the International Data Improvement Act of 1990 with data collected pursuant to this Act and the extent to which such integration permits a higher level of accuracy and a greater degree of analysis on direct investment and United States services trade.".

SEC. 3. BUREAU OF ECONOMIC ANALYSIS ACCESS TO CENSUS DATA FOR PURPOSES OF AUGMENTING AND IMPROVING THE QUALITY OF INTERNATIONAL DATA COLLECTED UNDER THE INTERNATIONAL INVESTMENT AND TRADE IN SERVICES SURVEY ACT.

(a) Title 13, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 10—EXCHANGE OF STATISTICAL ESTABLISHMENT LIST INFORMATION

"SEC. 401. EXCHANGE AND USE OF LIST INFORMATION.

"(a) The Bureau of Economic Analysis and the Bureau of the Census shall exchange and use statistical establishment list information as defined in section 402 as the Secretary determines is appropriate to augment and improve the quality of international data collected under the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 et seq.).

"(1) List information provided to the Bureau of Economic Analysis shall be only those data collected directly from respondents by the Bureau of the Census under the authority granted to the Secretary by this title.

"(2) The Director of the Bureau requesting list information shall make the request in writing, and shall certify that the list will be used only for statistical activities performed pursuant to statutory authority.

"(b) Notwithstanding any other provision of law, list information shall not be published or used in a way, except as authorized by this Chapter, whereby any particular establishment or enterprise can be identified. Each Bureau shall establish and maintain adequate administrative, technical, and physical safeguards to ensure the integrity, confidentiality, and security of the list information.

"SEC. 402. DEFINITION OF STATISTICAL ESTABLISHMENT LIST INFORMATION AND CONTENT.

"(a) DEFINITION.—For purposes of this Chapter, statistical establishment list information ("list information") shall consist of data for any type of economic unit within the scope of the Standard Industrial Classification (SIC) that are maintained for statistical activities performed pursuant to statutory authority.

"(b) CONTENT OF LIST INFORMATION.—List information shall include the establishment and company name and address, the form of company organization, SIC code, company and establishment identifying numbers, and related business activity levels and operational codes.

"SEC. 403. SANCTIONS, PENALTIES AND IMMUNITY FROM PROCESS FOR PURPOSES OF THIS CHAPTER.

"(a) Whoever, being in possession of exchanged list information, discloses the list information in any form except as specified in this Chapter shall be fined not more than $25,000 or imprisoned not more than 5 years, or both.

"(b) Whoever procures, by fraud, misrepresentation, or other unlawful act, access to exchanged list information shall be fined not more than $25,000 or imprisoned not more than 5 years, or both.

"(c) IMMUNITY FROM LEGAL PROCESS: LIMITATIONS ON DISCLOSURE AND USE.—(1) List information shall be immune from legal process and shall not be used as evidence or for any purpose in any Federal, state, or local government action, suit or other judicial or administrative proceeding except as necessary to enforce mandatory data collection requirements of agency surveys or the provisions of subsections (a) and (b) of this section.

"(2) List information shall not be disclosed pursuant to any Federal, state or local government law or regulation, including the Freedom of Information Act (5 U.S.C. 552).".

(b) CONFORMING AMENDMENTS.—

(1) The table of contents of title 13, United States Code, is amended by adding "Chapter 10—Exchange of Statistical Establishment List Information".

(2) Section 9(a) of title 13, United States Code, is amended by striking the phrase "except as provided in section 8 of this title" and inserting in lieu thereof "except as provided in section 8 and Chapter 10 of this title".

Mr. HATCH. Mr. President, I am pleased to cosponsor S. 2516 with my colleague from Nebraska, Senator EXON.

This amendment accomplishes three major goals commonly associated with good public policy practices:

It encourages the exchange of data that is necessary for improving the ability of our Government to manage the economy, and therefore has been called a good government measure.

It can also be called a good planning measure because it helps us to understand the full availability of foreign and domestic investment capital in the United States; and

It is a good faith measure because it requires our foreign partners to disclose nothing more than the types of information reported to major foreign governments by American firms operating abroad. Nor does it impose any added reporting burdens on foreign companies in the United States. The measure tells Census to share its data with BEA.

The Commerce Department's Bureau of Economic Analysis and the Census Bureau separately collect information on investments by foreign firms in American companies that amount to a holding of at least 10-percent equity. But, Mr. President, the two organizations cannot share these data with each other.

Imagine the improvement of our own governance functions, in Congress and in the executive branch, by having better analyses that the creation of this data linkage would provide. This is why it is a good government measure.

The analyses are what make it a good planning measure. We can determine the industries on which foreign investment is focused. This is not to generate fear or panic, as many suggest, but rather to emphasize in our own industrial development planning which sectors of the economy require more or less public policy attention.

But there is also a fairness element in the measure which I will not deny, nor should we deny it. Part of the fair trade argument is that our partners demand no more of American firms than what this country demands of theirs. This does not mean that we want foreign firms to disclose such business information as trade secrets, marketing strategy, or emerging product innovations.

It does mean, however, that we know in which technologies foreign investments are concentrated. Since BEA data tend to focus on investment in highly diversified organizations in the United States, we cannot tell which profit center, division, or suborganizations element of the whole corporate

organization is benefiting from foreign investment.

Nor should we ignore the importance of having reliable investment data as the world's trade patterns shift. For example, since January of this year, the Tokyo stock market, the so-called cash fountain for much of Japan's overseas investment funds, has lost 30 percent of value, or $1.4 trillion. This means that we will see some short-term, and possibly long-term, decline in Japanese investment in the United States. We should know where the declines occur, as well as the industrial sectors that may even face a possible repatriation of Japanese moneys—a trend that some economists are already predicting.

The value of this bill cannot be underestimated. Our trade relations will improve; there will be less suspicion of the motives of our partners. Our ability to formulate plans to make the difficult transition from an economy heavily dependent on defense to one that is more commercially attuned will be facilitated. And, above all, full and open disclosure, without prejudice, is a strength of the American system. It is the type of strength that brings foreign investment to our country.

By Mr. LEVIN:

S. 2517. A bill to provide that any distribution permitted under the Internal Revenue Code of 1986 to a first time home buyer from the individual retirement account of the home buyer, or the home buyer's parents or grandparents be free from the 10-percent penalty for early distributions; to the Committee on Finance.

PENALTY FREE WITHDRAWALS FROM IRA'S FOR FIRST-TIME HOME BUYERS

● Mr. LEVIN. Mr. President, it is likely this year that legislation will be enacted to allow first-time home buyers to withdraw money from their individual retirement accounts for the purchase of a home without being subject to a 10-percent penalty for early withdrawal. I am a cosponsor of legislation introduced by Senator BENTSEN to accomplish that goal. I believe this legislation would offer an additional approach to surmounting the high hurdles that now exist to home ownership.

However, this legislation can be made even more effective if the Internal Revenue Code also provided that the exemption from the 10-percent penalty would cover not only distributions from the IRA's of the first-time home buyers themselves, but also from the IRA's of their parents and grandparents. The legislation which I am introducing today would broaden the exemption from the 10-percent penalty to individual retirement accounts of the parents and grandparents of the first-time home buyer.

This modification is important because the reality is that many first-time home buyers will not have accumulated enough in their own IRA's to make a substantial dent in meeting downpayment costs associated with the purchase of a house. By expanding to parents and grandparents the pool of IRA's that can be dipped into to help first-time home buyers without a penalty for early withdrawal, this legislation opens up a new avenue of home financing. In light of the increasing obstacles to home ownership that many first-time home buyers are encountering, this legislation would provide them with one more tool to overcome those difficulties. For the person or family which is looking to afford its own home, having the tools to finance the purchase of the house are as important as were the tools to people who built the house in the first place.

Mr. President, I ask unanimous consent that a copy of this legislation be printed in the RECORD following my remarks.

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

S. 2517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to 10 percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end thereof the following new subparagraph:

"(E) Payments to first-time homebuyers. Any distribution permitted under this section to a first time homebuyer from the qualified retirement plan of the homebuyer, or the homebuyer's parents or grandparents."●

By Mr. BINGAMAN:

S. 2518. A bill to direct the Director of the General Services Administration to make paper with recycled content available to the Secretary of Agriculture and for the Secretary of Agriculture to establish a pilot program within the Forest Service for the use of paper with recycled content; to the Committee on Governmental Affairs.

NATIONAL FOREST RECYCLED PAPER ACT

● Mr. BINGAMAN. Mr. President, I rise today to introduce legislation to direct the General Services Administration to make paper with recycled content available to the Secretary of Agriculture for use by the Forest Service.

It is a disturbing fact that 5 billion acres of the Earth's forest have been cut and not replaced. What makes this fact even more disturbing is that most of this destruction has occurred in this century. We all know that forests provide many benefits and this trend must be reversed.

Fortunately, trees are a renewable resource and paper can be recycled. I believe we must take the challenge and encourage measures which will improve forest conservation and the use of recycled paper products.

I have always considered the USDA Forest Service as a leader in forest conservation. As a part of this leadership role a forest in my home State of New Mexico, the Carson National Forest, recently proposed using recycled paper for their general office operations. To my surprise this proposal was denied by the General Services Administration which would not allow the forest to purchase recycled paper.

There is obviously a problem when the Agency directed to conserve the Nation's forests is not allowed to utilize recycled paper. The bill I have introduced today will authorize the Forest Service to purchase and use recycled paper as a pilot test program for 1 year. At the end of 1 year the General Services Adminstration will report to Congress on the results of the pilot program and the opportunity to expand the program governmentwide.

I also have written to the Director of the General Services Administration asking for him to clarify the Agency's position on purchasing recycled paper. It would be preferable if the Agency would take the lead on offering recycled paper without legislation. I have recommended that the General Services Administration use the standard guidelines for recycled paper which the Environmental Protection Agency has already established.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the full text of this bill be placed in the RECORD.

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

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 "National Forest Recycled Paper Act of 1990".

SEC. 2. FINDINGS.

The Congress finds that—

(1) one-third of the earth's forests, 5,000,000,000 acres, have been cut and not replaced;

(2) each man, woman and child in the United States annually uses enough paper and packaging to equal 7 trees;

(3) paper with recycled content is available for many types of uses;

(4) while many people have begun to recycle paper, a stronger market needs to be developed for the use of paper with recycled content;

(5) the General Services Administration does not offer or allow the purchase of paper with recycled content;

(6) the mission of the Forest Service is to manage and conserve forests for the future generations; and

(7) the Forest Service should be a leader in the use of recycled paper because of their leadership role in the forestry conservation.

SEC. 3. PILOT PROJECT AND REPORT BY THE GENERAL SERVICES ADMINISTRATION.

(a) PILOT PROJECT.—

(1) For a period of one year, the Director of the General Services Administration shall make available to the Secretary of Agriculture paper with varying amounts of recycled content for all standard uses. If available, other departments and agencies of the Government may also request to use paper with recycled content and purchase this paper through the General Services Administration.

(2) The Secretary of Agriculture, acting through the Chief of the Forest Service, shall use paper with recycled content for paperwork and printing during the one-year project authorized by this subsection.

(b) REPORT.—At the end of the one year authorized by subsection (a), the Director of the General Services Administration shall report back to the Congress on the results of the pilot program and the opportunity to expand the program governmentwide. Included in the report shall be an assessment from the Chief of the Forest Service describing environmental benefits of the pilot project.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.●

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2519. A bill to require the U.S. Marshals Service to designate court districts that need additional private entities for the detention of Federal prisoners and to provide certain standards for such entities; to the Committee on the Judiciary.

REGULATION OF PRIVATE DETENTION FACILITIES USED BY THE UNITED STATES MARSHALS

● Mr. DOMENICI. Mr. President, I rise today to introduce Federal legislation that would regulate private jails that are utilized by the U.S. Marshals Service.

Clearly, we have a responsibility to provide sufficient jail space for those who break our laws. However, before any new jails are constructed they should meet two requirements.

First, all new jails need to go through a rigorous analysis to determine the need for the jail. Second, jails—whether they are publicly or privately constructed—need to meet certain standards to protect the public.

I became concerned about this issue after a company proposed to build a private jail in my State. After reviewing the matter, it seemed to me that the proposed private jail has not met these two requirements.

It appears that this jail is being built for speculative purposes without a clear determination of the need for the jail. The builders of this jail intend to contract with the U.S. Marshals Service to house Federal detainees. However, I received conflicting information from the Marshals Service on whether they would have an interest in using the jail. Before any jail is constructed for Federal prisoners in New Mexico or any other State, the Federal Government should determine whether such a facility is needed.

There are no applicable Federal standards that would govern this proposed private jail.

Under 18 U.S.C. 4013(a)(3), which was enacted as section of the 7608(d)(1) of Public Law 100-690—the Anti-Drug Abuse Act of 1988, the Marshals Service is authorized to house Federal detainees in private jails. Section 4013, however, provides no standards for private jails. The Marshals Service currently is seeking space in private jails in Boston and Kansas City. In these two cases, the standards will be set by a contract between the Marshals Service and the private jail before the jail is constructed.

The proposed jail in New Mexico is different. In that case, the jail will apparently be built first and then the builder will seek to enter into a contract with the Marshals Service. The public needs to be assured, prior to the construction of a jail, that adequate safeguards will be put in place to protect the public.

Mr. President, the bill that I am introducing today would amend section 4013 to correct these problems.

The bill will require the Marshals Service to determine whether there is a need for additional jail space in a particular area and will permit the Marshals Service to contract for jail space only in areas where there is a need. This will curb the building of jails for speculative purposes.

The bill also would permit the Marshals Service to enter into contracts only with private jails that meet strict standards designed to protect public safety. Under the bill, private jails with which the Marshals Service contracts, must:

First, meet the standards of the American Correctional Association;

Second, have approved fire, security, escape, and riot plans;

Third, comply with all applicable State and local laws and regulations; and

Fourth, comply with any other regulations that the Marshals Service deems appropriate.

Mr. President, this bill will assure, if any private jails are built to house Federal prisoners, that they are needed and that they are constructed with adequate safeguards to protect the public.

Representative STEVE SCHIFF, who represents the district in which the private jail would be constructed, shares my concerns about this facility. He is introducing identical legislation in the House of Representatives today. I am pleased that Senator BINGAMAN is cosponsoring this bill.

I ask unanimous consent that the text of the bill be inserted in the RECORD immediately following my remarks.

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

S. 2519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4013 of title 18, United States Code, is amended by adding at the end thereof the following:

"(b)(1) The United States Marshals Service may designate districts that need additional support from private detention entities under subsection (a)(3) based on—

"(A) the number of Federal detainees in the district; and

"(B) the availability of Federal, State, and local government detention facilities.

"(2) In order to be eligible for a contract for the housing, care, and security of persons held in custody of the United States Marshal pursuant to Federal law and funding under subsection (a)(3), a private entity shall—

"(A) be located in a district that has been designated as needing additional Federal detention facilities pursuant to paragraph (1);

"(B) meet the standards of the American Correctional Association;

"(C) comply with all applicable State and local laws and regulations;

"(D) have approved fire, security, escape, and riot plans; and

"(E) comply with any other regulations that the Marshals Service deems appropriate.

"(3) The United States Marshals Service shall provide an opportunity for public comment on a contract under subsection (a)(3).".●

By Mr. CHAFEE (for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. D'AMATO, Mr. DECONCINI, and Mr. CRANSTON):

S. 2520. A bill to establish permanent Federal and State drug treatment programs for criminal offenders, and for other purposes; to the Committee on Labor and Human Resources.

DRUG REHABILITATION AND RECOVERY PROGRAM FOR PRISONS

Mr. CHAFEE. Mr. President, today Senator MOYNIHAN and I are introducing the Drug Rehabilitation and Recovery Program for Prisons Act. We are joined by Senator JEFFORDS, Senator D'AMATO, and Senator DECONCINI in introducing this bill. This legislation will establish comprehensive drug treatment and rehabilitation programs in Federal and State prisons.

Over the past 2 years the Senate has avidly debated the drug problem. Yet, there is one issue that Congress has failed to address adequately—the availability of rehabilitation programs in State and Federal prisons.

Congress has been working to solve the prison overcrowding problem by increasing funds for prison construction. I agree that we need more prison beds, and have been supportive of these efforts. Nonetheless, we must recognize that part of the prison overcrowding problem can be attributed to repeat offenders. Many are released

from prison only to return again to patterns of criminal behavior—a phenomenon known as recidivism. One of the primary causes of recidivism is crime directly and indirectly caused by addiction to drugs. Thus, part of the solution lies in breaking this cycle of crime by providing comprehensive drug rehabilitation programs in State and Federal prisons.

Drug-related crimes have overwhelmed our criminal justice system. To illustrate my point, let me share some startling statistics:

In Washington DC, in 1985, 25 out of 148 homicides were drug related. In 1988, 225 out of 372 homicides were drug related. That is a 43-percent increase.

In a 1980 study, on the average, heroin addicts committed crimes 178 days per year, primarily to support their habit.

Nearly one of every four black men between the ages of 20 and 29 is currently behind bars or on probation or parole.

Of 2,000 arrestees who tested for drug use in 12 cities, between 53 and 79 percent tested positive for illicit drugs in the 24 to 48 hours after their arrest.

According to the President's National Drug Control Strategy, 50 percent of Federal prisoners and nearly 80 percent of State prisoners have used drugs or are addicted to drugs.

Recidivism appears to be linked to drug abuse among many offenders. One study found that 62 percent of the approximately 100,000 inmates released in 11 States were arrested again within 3 years—41 percent actually returned to prison. Of those originally arrested on drug offenses, 50 percent were arrersted again within 3 years of their release.

Currently, counseling programs are available in all 54 Federal prisons, but few prisons provide intensive treatment programs. The compromise drug funding agreement we reached last year increased the Federal prison funding level by over $1 billion, bringing the total to about $2.5 billion for 1990 which the President had requested. The agreement, however, did not specifically designate an amount for drug treatment for Federal prisons. In fact, it is estimated that only $6 million will be spent on drug treatment this year—that is only 0.25 percent of the total allocation to the Bureau of Prisons.

Several States have begun to implement drug rehabilitation programs in their correctional facilities. One program worth noting is the 14-year-old Stay'n Out Program in New York which has been extremely successful in rehabilitating inmates and reducing the rate of recidivism. Independent studies have shown an 80-percent success rate—8 out of 10 inmates who complete the program are not arrested again, do not use drugs, and do not commit more crimes after being released.

The Drug Rehabilitation and Recovery Program for Prisons Act would establish a comprehensive drug treatment program within Federal prisons administered by the Attorney General. It would authorize $25 million to accomplish this task.

At the State level, this legislation would establish two grant programs within the Department of Health and Human Services—the first would provide funding for States to establish drug treatment programs in prisons, and the second would provide similar grants for drug rehabilitation programs for juvenile offenders.

Drug rehabilitation programs in both State and Federal prisons which receive grant money must include: the evaluation and assessments of each participant after he or she voluntarily chooses to undergo treatment; different levels of treatment that rehabilitate the participant's attitude, behavior, and lifestyle; coordination with other human service programs such as educational and job training programs; and posttreatment assistance which discourages participants from returning to patterns of criminal behavior.

In addition, our legislation would restrict the ability of the Attorney General and States to provide early release to certain inmates who have successfully completed a drug rehabilitation program funded by this proposal. Early release may not be provided to violent criminals, and parole must be revoked if the inmate does not remain drug free. In addition, inmates must have served at least three-fourths of the time at which they become eligible for parole before they may be released.

The criminal justice system currently does little to rehabilitate inmates—many just get out of jail, commit additional crimes, and return to jail. Inmate rehabilitation alone will not solve the prison overcrowding problem. However, programs that reduce the rate of recidivism must be an essential component of a cost-effective solution. Without drug rehabilitation programs in prisons we will continue to release hardened criminals into our communities to sell drugs to our children and rob our homes for money to buy drugs.

I urge my colleagues to consider the importance of rehabilitating inmates addicted to drugs before they are returned to society and support this legislation.

Mr. President, I ask unanimous consent that 11 letters of endorsement, a summary of the bill and the bill itself be printed in the RECORD.

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

S. 2520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DRUG REHABILITATION AND RECOVERY PROGRAM FOR PRISONS.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end thereof the following new part:

"PART F—DRUG REHABILITATION AND RECOVERY PROGRAM FOR PRISONS

"SEC. 571. SHORT TITLE.

This part may be cited as the 'Drug Rehabilitation and Recovery Program for Prisons Act'.

"SEC. 572. DEFINITIONS.

"As used in this part:

"(1) DRUG TREATMENT PROGRAM.—The term 'drug treatment program' means the Federal drug treatment program established under section 573 and a State drug treatment program that receives assistance under a grant awarded under section 574 or 575.

"(2) PRISON.—The term 'prison' means any facility for the confinement of individuals who have been convicted of a criminal offense under Federal or State law.

"SEC. 573. DRUG TREATMENT IN FEDERAL PRISONS.

"(a) IN GENERAL.—The Attorney General, in consultation with the Secretary and the Director of the Office of National Drug Control Policy, shall establish and implement a comprehensive drug treatment program in Federal prisons that meets the drug treatment program criteria established in section 576.

"(b) REPORT.—Not later than 5 years after the date of enactment of this part, the Secretary shall prepare and submit, to the appropriate Committees of Congress, a report concerning the effectiveness, and including recommendations for the improvement, of the program established under subsection (a).

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $25,000,000 to carry out this section.

"SEC. 574. GRANTS FOR DRUG TREATMENT IN STATE PRISONS.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, shall award grants to States to enable such States to establish and implement drug treatment programs in State prisons.

"(b) APPLICATION AND PLAN.—

"(1) IN GENERAL.—Except as provided in paragraph (3), to be eligible to receive a grant under this section a State shall prepare and submit, to the Secretary, an application at such time, in such form, and containing such information as the Secretary shall require, including a plan for the establishment and operation of a prison drug treatment program that meets the program criteria described in section 576.

"(2) PLANNING GRANT.—The Secretary may award a grant of not to exceed $100,000 to a State to enable such State to prepare the plan to be submitted under paragraph (1).

"(3) TECHNICAL ASSISTANCE AND TRAINING.—The Secretary must provide technical assistance and training to States for the purpose of development of the State plan.

"(4) EXCEPTION.—The Director may make a grant under this section to a State that has not submitted, or had approved, an application and plan under paragraph (1), if such State has qualified for and begun implementing a plan for a demonstration

prison drug treatment program under Part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741 et seq.).

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) RECIPIENT.—On the approval of an application and plan describing the drug treatment program, that meets the criteria described in section 576, that will be implemented with the assistance provided under a grant awarded under this section, the Secretary shall award a 4 year grant to—

"(A) the State applicant, for the implementation of the Statewide drug treatment program described in the plan submitted under subsection (b)(1); or

"(B) the State or local agency or official authorized to apply for a grant under this section by the State plan submitted under subsection (b)(1), for the implementation of a drug treatment program on a local basis as described in such plan;

"(2) AMOUNT OF GRANT.—The aggregate amount of all grants made to a State and entities within a State shall not exceed—

"(A) in the first year of implementation of the State plan submitted under subsection (b)(1), 75 percent of the aggregate cost of the implementation of the drug treatment programs under such plan in such year;

"(B) in the second year of implementation of the State plan submitted under subsection (b)(1), 50 percent of the aggregate cost of the implementation of the drug treatment programs under such plan in such year;

"(C) in the third and fourth years of implementation of the State plan submitted under subsection (b)(1), 25 percent of the aggregate cost of the implementation of the drug treatment programs under such plan in each such year; and

"(D) in each of the 5 subsequent years of implementation of the State plan submitted under subsection (b)(1), on the approval of the Secretary, 25 percent of the aggregate cost of the implementation of the drug treatment programs under such plan in each such year.

"(d) REPORT.—Not later than 5 years after the date of enactment of this part, the Secretary shall prepare and submit, to the appropriate Committees of Congress, a report concerning the effectiveness, and including recommendations for the improvement, of the grant program established under subsection (a).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $40,000,000 to carry out this section.

"SEC. 575. GRANTS FOR DRUG TREATMENT FOR JUVENILE OFFENDERS.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, shall award grants to States to enable such States to establish and implement drug treatment programs for juvenile criminal offenders.

"(b) APPLICATION AND PLAN.—

"(1) IN GENERAL.—Except as provided in paragraph (3), to be eligible to receive a grant under this section a State shall prepare and submit, to the Secretary, an application at such time, in such form, and containing such information as the Secretary shall require, including a plan for the establishment and operation of a juvenile criminal offender drug treatment program that meets the program criteria described in section 576.

"(2) PLANNING GRANT.—The Secretary may award a grant of not to exceed $100,000 to a State to enable such State to prepare the plan to be submitted under paragraph (1).

"(3) TECHNICAL ASSISTANCE AND TRAINING.—The Secretary must provide technical assistance and training to States for the purpose of development of the State plan.

"(4) EXCEPTION.—The Director may make a grant under this section to a State that has not submitted, or had approved, an application and plan under paragraph (1), if such State has qualified for and begun implementing a plan for a demonstration juvenile offender drug treatment program under Part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741 et seq.).

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) RECIPIENT.—On the approval of an application and plan describing the juvenile offender drug treatment program, that meets the criteria described in section 576, that will be implemented with the assistance provided under a grant awarded under this section, the Secretary shall award a 4 year grant to—

"(A) the State applicant, for the implementation of the Statewide juvenile offender drug treatment program described in the plan submitted under subsection (b)(1); or

"(B) the State or local agency or official authorized to apply for a grant under this section by the State plan submitted under subsection (b)(1), for the implementation of a juvenile offender drug treatment program on a local basis as described in such plan;

"(2) AMOUNT OF GRANT.—The aggregate amount of all grants made to a State and entities within a State shall not exceed—

"(A) in the first year of implementation of the State plan submitted under subsection (b)(1), 75 percent of the aggregate cost of the implementation of the juvenile offender drug treatment programs under such plan in such year;

"(B) in the second year of implementation of the State plan submitted under subsection (b)(1), 50 percent of the aggregate cost of the implementation of the juvenile offender drug treatment programs under such plan in such year;

"(C) in the third and fourth years of implementation of the State plan submitted under subsection (b)(1), 25 percent of the aggregate cost of the implementation of the juvenile offender drug treatment programs under such plan in each such year; and

"(D) in each of the 5 subsequent years of implementation of the State plan submitted under subsection (b)(1), on the approval of the Secretary, 25 percent of the aggregate cost of the implementation of the juvenile offender drug treatment programs under such plan in each such year.

"(d) REPORT.—Not later than 5 years after the date of enactment of this part, the Secretary shall prepare and submit, to the appropriate Committees of Congress, a report concerning the effectiveness, and including recommendations for the improvement, of the grant program established under subsection (a).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.

"SEC. 576. DRUG TREATMENT PROGRAM CRITERIA.

"(a) IN GENERAL.—The Secretary shall not approve an application or plan submitted under section 574(b)(1) or 575(b)(1) unless the proposed drug treatment program contained in the plan meets the requirements of this section.

"(b) VOLUNTARY PARTICIPATION.—

"(1) AVAILABILITY OF SERVICES.—

"(A) IN GENERAL.—To the extent permitted by program funding and the availability of staff and materiel, a drug treatment program established or implemented with assistance provided under this part shall make the services provided under such program available to all inmates and juvenile offenders who request treatment in the facility in which the program operates.

"(B) EXCEPTION.—A drug treatment program established or implemented with assistance provided under this part shall not be required to provide treatment to an individual if the head of the program determines, after reasonable efforts are undertaken to provide treatment and counseling to the individual, that—

"(i) the individual is not reasonably susceptible to treatment, and that program resources would be better devoted to the treatment of other individuals who are awaiting treatment; or

"(ii) the disruptive conduct of the individual interferes with the treatment of other individuals.

"(2) REQUIREMENT.—A drug treatment program established or implemented with assistance provided under this part shall—

"(A) make reasonable efforts to identify inmates who have used drugs and who might benefit from treatment at the earliest point of incarceration or entrance into the criminal justice system; and

"(B) encourage inmates identified under subparagraph (A) to seek treatment.

"(3) CONSTRUCTION.—The provisions of this part shall not be construed to encourage involuntary drug testing or treatment, or to impact of any law that is in effect prior to the date of enactment of this part concerning the circumstances in which involuntary drug testing or treatment may be permissible.

"(c) EVALUATION AND ASSESSMENT.—A drug treatment program established or implemented with assistance provided under this part shall conduct an evaluation and assessment—

"(1) of each inmate or juvenile offender, within 30 days after such inmate or offender expresses the desire to receive drug treatment, to determine the appropriate course of treatment and, if treatment cannot be provided immediately, the timing of the treatment; and

"(2) of each individual who completes or ceases treatment, at the time that such individual completes or ceases treatment, to determine whether it would be desirable for the individual to receive any kind of supervision or assistance to avoid the use of drugs in the future.

"(d) TREATMENT.—

"(1) TYPE.—A drug treatment program established or implemented with assistance provided under this part shall be designed to provide treatment to individuals that is of appropriate intensity and kind, as the need of each such individual is demonstrated in an evaluation and assessment described in subsection (c)(1)(A).

"(2) MINIMUM REQUIREMENTS.—A drug treatment program established or implemented with assistance provided under this part—

"(A) shall include—

"(i) education services;

"(ii) counseling;

"(iii) self-help and peer group activities;

"(iv) short-term isolated unit activities; and

"(v) long-term residential treatment services including therapeutic communities;

"(B) may include both established and experimental methods of treatment;

"(C) to the extent practicable, separate those individuals undergoing such treatment from the general population of the facility during and after such treatment;

"(D) shall be coordinated with local law enforcement officials; and

"(E) shall provide funds for rehabilitation in local settings that is continuous and compatible with regard to rehabilitation in state or federal prison; and

"(F) shall take into account the most recent successful drug treatment in correctional facilities programs.

"(3) EMOTIONAL FOCUS.—A drug treatment program established or implemented with assistance provided under this part shall include treatment that addresses the physiological and emotional pathologies of the individual treated, including rehabilitation of the attitude, behavior, and lifestyle of the individual.

"(e) POST-TREATMENT ASSISTANCE.—

"(1) COORDINATION WITH OTHER PROGRAMS.—A drug treatment program established or implemented with assistance provided under this part shall be coordinated with other human service and rehabilitation programs, such as educational and job training programs, parole supervision programs, half-way house programs, and participation in self-help and peer group programs, that may aid in the rehabilitation of individuals in the drug treatment program.

"(2) AFTER CARE REQUIREMENT.—The plan submitted under section 574(b)(1) or 575(b)(1) shall ensure that individuals who participate in the drug treatment program established or implemented with assistance provided under this part will be provided with after care services for a 1-year period if such individuals desire such services.

"(3) PLACEMENT IN COMMUNITY DRUG FACILITY.—At the time an inmate or juvenile offender who has participated in a drug treatment program established or implemented with assistance provided under this part leaves prison at the end of a sentence or on parole, the head of the drug treatment program, in conjunction with State and local authorities and organizations involved in drug treatment, shall assist in placement of such individual with an appropriate community drug treatment facility, as the need of the individual is demonstrated in an evaluation and assessment described in subsection (c)(1)(B).

"(f) TRAINING.—A drug treatment program established or implemented with assistance provided under this part shall provide for the training of both drug treatment program staff and correctional officers in drug treatment techniques and in the handling of inmates and juvenile offenders who are drug users. The staff of such programs should include qualified physicians, psychologists, and substance abuse counselors.

"(g) EXTENSION OF TREATMENT OF JUVENILE OFFENDERS.—A drug treatment program for juvenile offenders established or implemented with assistance provided under this part—

"(1) may provide for the treatment of individuals who are on probation or parole; and

"(2) shall encourage family participation in the rehabilitation of an individual.

"SEC. 577. RESTRICTION ON EARLY RELEASE FOR QUALIFIED DRUG DEPENDENT OFFENDERS.

"(a) IN GENERAL.—The Attorney General (in the case of Federal prisons) and the appropriate State law enforcement official (in the case of non-Federal prisons) shall not permit the early release of inmates convicted of drug offenses from such prisons unless such inmates have successfully completed a program of treatment or after care provided under the program established under section 573, and in accordance with this section.

"(b) REQUIREMENT.—If the court, on petition of the head of the program and the appropriate law enforcement official, reduces the period of incarceration under this section, the court shall also impose a period of supervised release of the individual for not less than 1 year, or in the event that a period of supervised release was previously ordered, the court shall extend the period of supervised release by not less than 1 year.

"(2) ELIGIBILITY.—To be eligible for early supervised release under this subsection, an individual—

"(A) shall have been continuously incarcerated in a Federal or State correctional institution for not less than three-fourths of the time the individual was originally sentenced to serve prior to becoming eligible for supervised release;

"(B) shall not have been convicted of homicide, attempted homicide, kidnapping, assault with a deadly weapon, espionage, rape, or attempted rape as defined under the applicable law;

"(C) shall not have been sentenced to life in prison;

"(D) shall have successfully completed, while incarcerated, a drug treatment program established or implemented with assistance provided under this part; and

"(E) after successfully completing such treatment, shall have received approval for early supervised release from the sentencing judge acting on the recommendation of the individual responsible for administering the drug treatment programs in the facility in which the offender has been incarcerated.

"(3) RESIDENCE.—On the release of an individual under this subsection, and for not less than a 6-month period after such release, such individual shall reside in a halfway house in which intensive counseling and supervision is available.

"(4) DUTIES OF INDIVIDUAL.—On the release of an individual under this subsection, and for a 1-year period after such release, such individual shall, in addition to fulfilling the other requirements of supervised release ordered by the court under this section for the complete duration of the original sentence—

"(A) submit to periodic urine drug testing at least once every 60 days;

"(B) regularly attend meetings of support groups such as Narcotics Anonymous, Alcoholics Anonymous, and Cocaine Anonymous; and

"(C) participate in an outpatient substance abuse counseling program.

"(5) REQUIREMENTS FOR DRUG TESTING.—

"(A) IN GENERAL.—No action may be taken against an individual under this subsection on the basis of a urine drug test unless such test was conducted in accordance with the requirements and procedures prescribed by the Secretary which shall be substantially consistent with the Mandatory Guidelines on Federal Employee Drug Testing Programs issued by the Secretary on April 11, 1988.

"(B) LABORATORY.—The Secretary shall include in the requirements prescribed pursuant to subparagraph (A) a requirement that—

"(i) the laboratory conduct the drug testing shall follow laboratory analysis procedures, including the chain of custody procedures, required by the guidelines referred to in subparagraph (A), except that an initially positive test may be confirmed using Gas Chromatography techniques or such other test as the Secretary may determine to be of equivalent accuracy;

"(ii) the laboratory perform Gas Chromatography-Mass Spectrometry reconfirmation, or such reconfirmation as the Secretary may determine to be of equivalent accuracy, in any case in which—

"(I) the urine specimen of an individual is tested using Gas Chromatography techniques for confirmation; and

"(II) not later than 10 days after receiving notice of positive test results, the individual notifies the head of the appropriate drug testing program that such individual disputes such results; and

"(iii) the laboratory retain all records pertaining to each urine specimen for at least 2 years after the date on which the results of the test are transmitted to the court and limit access to any such records to protect the confidentiality of the subject.

"SEC. 578. REPORTS.

"(a) IN GENERAL.—Not later than 3 years after the date of enactment of this part, the head of a drug treatment program established or implemented with assistance provided under this part shall prepare and submit, to the Secretary, a report concerning the effectiveness, and including recommendations for the improvement, of the program established or implemented with assistance provided under this part.

"(b) OTHER REPORTS.—In addition to the report described in paragraph (1), the head of a drug treatment program established or implemented with assistance provided under this part shall submit such other reports and provide such additional information concerning the program as the Secretary may require.".

THE DRUG REHABILITATION AND RECOVERY PROGRAM FOR PRISONS (SUMMARY)

I. DRUG TREATMENT IN FEDERAL PRISONS

The Attorney General, in consultation with the Secretary of Health and Human Services (HHS) and the Director of the Office of National Drug Control Policy, is required to establish and implement a comprehensive drug treatment program in Federal prisons that meets the drug treatment program criteria described below. Authorization level: $25 million.

II. GRANTS FOR DRUG TREATMENT IN STATE PRISONS

The Secretary of HHS through the Administrator of ADAHMA shall award grants to States for the establishment and implementation of drug treatment programs in State prisons. The Secretary may award a start-up grant of up to $100,000 to a state to develop a treatment plan and apply for the implementation grant. The State plan must meet the drug treatment program criteria described below to be eligible for the implementation grant. The amount of a State's grant award cannot exceed:

75 percent of the drug treatment program in the first year;

50 percent in the second year;

25 percent in the third and fourth years; and

25 percent in each of the next five years, if the Secretary approves.

Authorization level: $40 million.

39-059 O-91-17 (Pt. 6)

III. GRANTS FOR DRUG TREATMENT OF JUVENILE OFFENDERS

The Secretary of HHS through the Administrator of ADAHMA shall award grants to States for the establishment and implementation of drug treatment programs for juvenile offenders. The Secretary may award a start-up grant of up to $100,000 to a state to develop a treatment plan and apply for the implementation grant. The State plan must meet the drug treatment program criteria described below to be eligible for the implementation grant. The amount of a State's grant award cannot exceed:

75 percent of the drug treatment program in the first year;

50 percent in the second year;

25 percent in the third and fourth years; and

25 percent in each of the next five years, if the Secretary approves.

Authorization level: $10 million.

IV. DRUG TREATMENT PROGRAM CRITERIA

1. Voluntary Participation—participation in the drug treatment program must be voluntary. To the greatest extent possible, the program must make services available to all inmates and juvenile offenders who request treatment. However, the head of a drug treatment program may determine that resources would be better spent on others awaiting treatment (after reasonable efforts are made to counsel and provide treatment) if an individual is not susceptible to treatment or if that individual's disruptive conduct interferes with the treatment of others.

2. Identification—drug treatment program must make reasonable efforts to identify inmates and juvenile offenders who have used drugs and who might benefit from treatment and encourage such individuals to seek treatment at the earliest point of entrance into the criminal justice system or incarceration. This bill does not encourage involuntary drug testing or treatment (except with regard to participation in the early release program).

3. Evaluation of inmate—drug treatment program shall conduct an evaluation and assessment of each inmate or juvenile offender within 30 days after such an individual expresses the desire to receive treatment. The assessment should determine the appropriate course and timing of the treatment. A further assessment must be completed on each individual that completes or ceases treatment to determine the best course for post-treatment.

4. The program must include—education services, counseling, self-help and peer group activities, short-term isolated unit activities, and long-term residential treatment services including therapeutic communities. The program should, to the extent possible, separate those undergoing treatment from the general population of the facility during and after treatment. Treatment provided by a program must address the physiological and emotional pathologies of the individual treated, including rehabilitation of the attitude, behavior, and lifestyle of the individual. The program must be coordinated with local law enforcement officials and must provide funds for rehabilitation in local settings that is continuous and compatible with regard to rehabilitation in state or federal prisons. The program must take into account the most recent successful drug treatment and correctional facilities programs.

5. Post-Treatment assistance—must be provided for at least 1 year for individuals choosing to continue care, and must be coordinated with other human service and rehabilittion programs, such as education and job training programs.

6. Training—a drug treatment program must provide for the training of both drug treatment program staff and correctional officers in treatment techniques and in the handling of inmates and juvenile offenders who are drug users. The staff should include qualified physicians, psychologists, and substance abuse counselors.

V. RESTRICTIONS ON EARLY RELEASE OF QUALIFIED DRUG DEPENDENT OFFENDERS

The Attorney General, with regard to the Federal drug treatment program, and a State, with regard to a drug treatment program grant, are restricted from providing for the early release of qualified drug dependent offenders, unless the following conditions are met:

1. If a court reduces an inmates prison term, the court must also impose a period of supervised release of the individual for at least one year;

2. Eligibility for early supervised release may only be granted to an individual who has:

Served at least three fourths of the time he or she would be eligible for parole.

Not been convicted of murder, attempted murder, kidnapping, assault with a deadly weapon, espionage, rape or attempted rape.

Not been sentenced to life in prison.

Has successfully completed, while incarcerated, a drug treatment program.

Received approval for early supervised release from the sentencing judge;

4. The released individual must reside in a half-way house in which intensive counseling and supervision is available for at least six months;

5. The released individual must submit to periodic urine drug testing at least once every 60 days, regularly attend meetings of support groups, and participate in a outpatient substance abuse counseling program;

6. Drug Testing must be conducted in accordance with the requirements and procedures prescribed by the Secretary of HHS consistent with the Mandatory Guidelines on Federal Employee Drug Testing Programs.

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS,
Washington, DC, April 17, 1990.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: On behalf of the 20,000 members of the National Association of Criminal Defense Lawyers and its state and local affiliates, I am pleased to convey to you our support for the legislation to be introduced shortly by Senator Chafee and you regarding drug treatment in state and federal prisons.

We applaud the legislation for including not only treatment services, but significant follow-up services as well, including counseling and peer group activities, and one year of post-treatment care coordinated with other human service and rehabilitation programs, such as educational and job training programs. Such provisions offer hope not only of getting the drug-dependent offender off drugs, but of keeping him or her off drugs, by addressing the causes of the addictive behavior and seeking to turn the offender to more productive pursuits after his or her encounter with the criminal justice system.

We commend your leadership and vision in seeking to move the debate toward constructive long-term solutions to the nation's drug problem. We welcome the growing recognition in Congress that drug policies which emphasize punishment "above all" (as in the latest ONDCP strategy, at p. 9) are both unproductive and exhorbitantly expensive.

If there is anything that the members of the criminal defense bar can do to assist in promoting such real and contructive measures to reduce the harm to society caused by drugs, please do not hesitate to contact me.

With best regards,

Sincerely,

H. SCOTT WALLACE,
Legislative Director.

AMERICAN CORRECTIONAL ASSOCIATION,
Laurel, MD, April 17, 1990.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: Please accept our support of the language regarding the drug treatment bill which is due to be introduced by Senator Chafee later this week. We are encouraged to see such language and appropriation for treatment that is so desperately needed in our prisons and for aftercare.

Recent studies reflect that as many as 85 percent of our prisoners upon intake report prior substance abuse. Without intervention and treatment we will never break this cycle of addiction.

Thank you for your support in co-sponsoring this very important and vital legislation.

Peace,

ANTHONY TRAVISONO,
Executive Director.

THE CRIMINAL JUSTICE POLICY FOUNDATION,
Washington, DC, April 24, 1990.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MOYNIHAN: I am writing to lend my enthusiastic support to the legislation you are co-sponsoring with Senator Chafee authorizing federal funds for drug treatment programs in federal and state prisons, as well as in juvenile correctional facilities.

I believe that such programs are absolutely necessary to break the cycle of addition, poverty and joblessness for so many of our young men and women who are incarcerated for drug law offenses. It is essential that prisoners are given access to comprehensive treatment services that will enable them to return to their communities with the necessary skills to resist a return to drug addiction. Otherwise, their stay in prison only ensures high rates of recidivism.

Again, I applaud your efforts to break the cycle of drug addiction among those who are incarcerated and support your legislation to funds treatments programs to serve them.

Sincerely,

ERIC E. STERLING.

CITIZENS UNITED FOR REHABILITATION OF ERRANTS,
Washington, DC, April 25, 1990.

Senators JOHN H. CHAFEE and DANIEL PATRICK MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATORS CHAFEE AND MOYNIHAN, Drug treatment behind the walls is a necessary and effective means of reducing recidivism. The National Institute of Justice re-

ports that rates as low as 16 percent have been achieved through in-prison treatment programs. 50 percent or higher is usually the recidivism rate for those not receiving treatment.

Thus, CURE enthusiastically endorses the legislation that Senators Chafee and Moynihan will be introducing.

Through this legislation, funds will be provided to correctional facilities to set up innovative treatment programs behind the walls. We are convinced that every dollar spent will be returned at least ten-fold in savings in crime-reduction and in the building of more prisons. This does not take into account the human costs in terms of the victims and the offender and their families.

Congratulations to Senators Chafee and Moynihan for their leadership on this most important piece of legislation.

Sincerely,

CHARLES SULLIVAN,
Executive Director.

FIRST JUDICIAL DISTRICT,
CADDO PARISH,
Shreveport, LA, April 17, 1990.

Re the Drug Rehabilitation and Recovery Program for Prisons.

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

DEAR SENATOR MOYNIHAN: By means of this letter I wish to express my support for the Federal Drug Rehabilitation and Recovery Program for Prisons. It is clear to me as a member of the local criminal justice system that drugs play a significant part in our rising crime rate. I am convinced that if we have a chance to get control of our serious drug problem then we must consider more treatment for offenders.

I believe that your senate bill which will allow federal and state prisons to identify and treat prisoners who have drug problems is an important first step in winning the war on drugs. I hope that you are successful in convincing Congress of the importance of this type of legislation.

With best regards,

Sincerely,

PAUL J. CARMOUCHE,
District Attorney.

TENTH JUDICIAL CIRCUIT,
April 17, 1990.

Re Prison Drug Treatment Program.

Senator DANIEL PATRICK MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: I have been advised that yourself and Senator Chafee are preparing to introduce legislation which would require drug treatment programs in federal and state prisons. I am writing in support of such legislation and to applaud your efforts in this area.

Having been associated with this office since 1972, I have seen the tremendous increase in the drug problem that we face in this country. I also regretfully have witnessed the lack of response to treatment of individuals who have drug dependencies. Too many people feel that our drug problem is something that we can solve through law enforcement alone, but anyone who is associated with law enforcement knows that that is a myth. We must have some *meaningful* treatment programs for people who find themselves incarcerated as a result of crimes committed in support of their drug habits.

I hope that you are successful in your efforts for this new program in that I sincerely feel that treatment of drug dependency will be a giant step towards our solving our crime problem in this country. If I can be of further assistance or support in this matter, please do not hesitate to call on me.

Very truly yours,

DAVID BARBER,
District Attorney.

PORTLAND OR,
April 17, 1990.

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

DEAR SENATOR MOYNIHAN: This letter is written in support of the Drug Rehabilitation and Recovery Program for Prisons Bill co-sponsored by you and Senator Chafee.

As District Attorney for the most populous county in the state of Oregon and where over 40% of the crime in the state occurs, I can attest to the prevalence of drug use among the offender population. A large percentage of those who go to federal and state prisons could benefit from participation in a rehabilitation and recovery program while incarcerated.

Very truly yours,

MICHAEL D. SCHRUNK,
District Attorney.

WEST PALM BEACH, FL,
April 16, 1990.

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

DEAR SENATOR MOYNIHAN: It is my understanding that you are co-sponsoring a Bill to be introduced by Senator Chafee related to drug treatment in federal and state prisons. The need for drug treatment programs in our penal institutions is critical, and your Bill deserves favorable and swift action. The impact of drugs and the inability of our institutions to provide treatment for drug offenders has created the enormous repeat cost to the citizens of the United States. I am not convinced that any drug program will reach the varied abused substances and those who abuse them. It is, however, necessary for us to move forward to separate the various drug and narcotic substances so that we can individualize the treatment and find out what works for the greatest number of abusers.

I urge your colleagues to join with you and Senator Chafee in passing this Bill and seeing that it is implemented at the earliest possible time.

Sincerely,

DAVID H. BLUDWORTH.

DIVISION OF CRIMINAL JUSTICE,
Wallingford, CT, April 16, 1990.

Re The Drug Rehabilitation And Recovery Program For Prisons.

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

DEAR SENATOR MOYNIHAN: The Division of Criminal Justice supports your proposal to provide for drug treatment in federal prisons for inmates convicted of federal crimes.

The "War on Drugs" must be fought on all fronts: enforcement, prosecution, education and treatment. People convicted of crime, who are incarcerated, who have a drug problem and who genuinely seek drug treatment should be afforded the opportunity of obtaining such treatment.

One section of the proposal—restrictions on early release—should be amended to exclude from early release those persons convicted of selling drugs or possessing drugs with intent to sell or distribute. Drug dealers should not be eligible for early release.

Sincerely,

JOHN J. KELLY,
Chief State's Attorney.

OFFICE OF THE DISTRICT ATTORNEY,
COUNTY OF VENTURA, STATE OF CALIFORNIA,
April 17, 1990.

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

DEAR SENATOR MOYNIHAN: I would like to add my endorsement to the legislation which you and Senator Chafee are sponsoring to provide drug treatment in state and federal prisons, as well as for juvenile offenders. The legislation addresses a largely unmet need to provide drug treatment for convicted offenders with drug problems.

It is clear there is a direct correlation between drug abuse and overall criminal activity. A reduction in drug abuse, results in a reduction of overall crime on both an individual and a community level. This bill targets proven criminals who are users. If the treatment programs provided for by this legislation are successful, the level of recidivism of these offenders should be reduced.

I support your efforts to pass this legislation, with the belief that the program it provides could help reduce drug usage and therefore criminal activity by convicted offenders upon their release.

Very truly yours,

MICHAEL D. BRADBURY,
District Attorney.

PORTLAND, OR,
April 17, 1990.

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

DEAR SENATOR MOYNIHAN: This letter is written in support of the Drug Rehabilitation and Recovery Program for Prisons Bill co-sponsored by you and Senator Chafee.

As District Attorney for the most populous county in the state of Oregon and where over 40% of the crime in the state occurs, I can attest to the prevalence of drug use among the offender population. A large percentage of those who go to federal and state prisons could benefit from participation in a rehabilitation and recovery program while incarcerated.

Very truly yours,

MICHAEL D. SCHRUNK,
District Attorney.

Mr. MOYNIHAN. Mr. President, I am pleased to join my colleague and friend from Rhode Island [Mr. CHAFEE] as an original cosponsor of proposed legislation which will expand the availability of and access to drug treatment in our Nation's prisons and correctional facilities.

On June 15, 1989, I introduced, with the cosponsorship of Senators D'AMATO, NUNN, DECONCINI, and CRANSTON, a bill S. 1193, the Drug Dependent Offender Rehabilitation Act of 1989, which sought to expand drug treatment in our Federal prison facilities. In addition to expanding our commitment to drug-abuse treatment in the Federal prison system we also sought to establish a special program of supervised release for nonviolent inmates who complete treatment.

Today, Mr. President, I am pleased to join with Senator CHAFEE to expand not only our commitment to drug treatment in Federal prisons but also in our State and local prisons and jails for both adult as well as juvenile offenders.

We all know too well the impact drugs have had on our institutions including, most particularly, our prisons. We have heard much alarming news on this floor about overcrowding in our prison facilities. As I reported last year on January 1, 1988, Federal prisons housed 43,946 inmates, 62 percent above their planned capacity of 26,473.

Our prisons face a problem greater than overcrowding. To wit: recidivism. According to the Bureau of Prisons, 43 percent of all Federal prisoners are rearrested within 3 years of release. It is safe to assume that even more than 43 percent commit crimes for which they are not arrested or imprisoned. Recidivism is even greater in State prisons. According to Justice Department statistics, 63 percent of State prisoners are rearrested within 3 years. Recidivism rates are failure rates. Our prison system has done precious little good for society when criminals arrested for selling heroin in 1982 return to the streets in 1988 only to start selling crack. Instead of rehabilitation, what we are left with is an endless cycle of arrest, prosecution, jail, and rearrest.

There is a simple explanation for much of this tragic state of affairs. Forty-three percent of incoming Federal inmates are self-described substance abusers. The numbers for local prisons are, once again, more startling. Eighty percent of male arrestees in New York and 67 percent of male arrestees in Washington test positive for drugs. Few of them are arrested for personal use of illegal drugs, but most are arrested for activities associated with drug use. Drug dealing. Drug smuggling. Robbery. Burglary. Prison, indeed, punishment of any kind, is not likely to deter such crimes when they are committed to support addiction—a drug habit which is in fact a disease of the brain.

Senator CHAFEE's bill, which incorporates the legislation I introduced last year, would provide $75 million for drug treatment in our Nation's correctional facilities, and for postrelease followup programs. Effective drug treatment in prison has been demonstrated to reduce recidivism. A May 1989 study on correctional treatment programs in Oregon revealed that 74 percent of inmates who completed an inpatient drug treatment program in prison had not returned to prison 3 years after release. The inmates who went through the program were hardened criminals. On average, they had been arrested 14 times and spent 7 years in prison. On average, they first used drugs when they were 12½ years old.

Mr. President, we cannot just discard these individuals. We have an opportunity to provide alternatives to those offenders who resolve to end the cycle of addiction and crime. Let us make the most of this opportunity.

We are in receipt of letters of support from various groups and individuals who support our efforts including the American Correctional Association, the National Association of Criminal Defense Lawyers, the Criminal Justice Policy Foundation, Citizens United for Rehabilitation of Errants, and a number of district attorney offices from around the country all of which will appear in the CONGRESSIONAL RECORD.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2521. A bill to exchange certain lands in the State of New Mexico and for other purposes; to the Committee on Energy and Natural Resources.

COCHITI LAND EXCHANGE ACT OF 1990

● Mr. BINGAMAN. Mr. President, on behalf of myself and Senator DOMENICI, I am introducing the Cochiti Land Exchange Act of 1990. This bill has several valuable purposes worthy of comment. First, the bill provides for a land exchange that brings within the Federal system another small piece of the spectacular Baca property in New Mexico. This area is a combination of some of the world's most intriguing geology and beautiful scenery and its partial acquisition for future generations is an important result of this bill.

Second, this bill provides for further study of the remainder of the Baca for future Federal acquisition. This 3-year effort by the National Forest Service is a necessary prelude to future discussions on the Baca.

Third, this exchange corrects a longstanding wrong by the Federal Government. In 1966, at the request of the Federal Government, the owners of the Baca gave the Forest Service land in the Baca in return for a tract of land between Albuquerque and Santa Fe. Subsequently, other departments of the Federal Government questioned the title given to the Baca owners by the Forest Service. The Forest Service, in correspondence to the New Mexico congressional delegation, has noted that the Baca owners "were treated unfairly by the Federal Government, albeit by different Agencies." In addition to the individual wrong involved, the Forest Service is concerned that the action "leaves open to question whether the United States will stand by its land conveyances and puts into question the efficacy of the Forest Service's land exchange program." Fortunately, the exchange provision and other sections in this bill correct not only the individual wrong to the owners of the Baca, but also reestablish the integrity of the Forest Service's Land Exchange Program.

I encourage my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 2521

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 "Cochiti Land Exchange Act of 1990".

SEC. 2. PURPOSES AND DEFINITIONS.

(a) PURPOSES.—The purposes of this Act are—

(1) to provide for the exchange of certain lands of Dunigan Enterprises and the United States; and

(2) to provide for a study of the possible Federal protection of certain lands in New Mexico.

(b) DEFINITIONS.—For the purposes of this Act—

(1) the term "Dunigan Enterprises" means Dunigan Enterprises, Incorporated, a Texas corporation, and BL&C Co. and BL&C Co. No. 2, Texas partnerships; and

(2) the term "Secretary" means the Secretary of Agriculture.

SEC. 2. LAND EXCHANGE.

(a) EXERCISE OF OPTION.—

(1) Notwithstanding any other law, upon receipt by the Secretary of an option from Dunigan Enterprises in which Dunigan Enterprises offers to convey the lands described in section 3(a) to the United States in exchange for the lands of the United States described in section 3(b), the Secretay shall exercise the option.

(2) The Secretary shall exchange and convey to Dunigan Enterprises the lands described in section 3(b) upon—

(A) conveyance to the United States of the lands described in section 3(a) by Dunigan Enterprises and acceptance of title to that land by the Secretary; and

(b) the execution by Dunigan Enterprises of a release of all claims relating to the real property known as the "Cochiti properties" located in Sandoval County, New Mexico.

(b) TERMS AND CONDITIONS.—(1) All conveyances shall be by general warranty deeds and shall convey all right, title, and interest in and to the described lands.

(2) Nothing in this subsection shall preclude such other terms and conditions on the conveyances of lands or interests therein as the Secretary and Dunigan Enterprises may agree upon.

(c) GOOD TITLE.—For purposes of conveying good and merchantable title, all right, title, and interest in and to the lands described in subsection 3(B) are confirmed to be in the United States and under the jurisdiction of the Secretary of Agriculture. The United States shall defend such title against any and all claims.

SEC. 3. LAND DESCRIPTIONS.

(a) LANDS OF DUNIGAN ENTERPRISES.—The lands of Dunigan Enterprises available for conveyance to the United States are the lands situated in the State of New Mexico aggregating approximately 36 acres and described as follows:

New Mexico Principal Meridian, Sandoval County, Township 19 North, Range 3 East: The portions of the Spanish land grant surveyed and known as Baca Location No. 1 described as follows:

(1) PARCEL 1.—Beginning at Mile Point No. 11 on the south boundary of Baca Location No. 1; thence westerly along the south boundary of Baca Location No. 1 to its intersection with the constructed centerline of

Forest development Road 133; thence on a continuation of the south boundary of Baca Location No. 1, 33 feet; thence on an approximate bearing of N. 26° E., about 720 feet as scaled from the Forest Service's topographic map of the area, to the south boundary of the easement for New Mexico State Highway No. 4; thence in an easterly direction along the State highway easement to its intersection with the south boundary of Baca Location No. 1; thence westerly along the south boundary of Baca Location No. 1 to the point of beginning, being Mile Point No. 11, containing about 27 acres, subject to confirmation by formal survey and acceptable plat required to provide an acceptable legal description and record acreage.

(2) PARCEL 2.—Beginning at Mile Point No. 10 on the south boundary of Baca Location No. 1; thence in a westerly direction along the south boundary of Baca Location No. 1, 423 feet to a point on the west side of the east fork of the Rio Jemez; thence N. 38° E., 660 feet; thence N. 86° E., 170 feet; thence S. 70° E., 477 feet; thence S. 34° E., 364 feet to the south boundary of Baca Location No. 1; thence along the south boundary of Baca Location No. 1 to the point of beginning, being Mile Point No. 10, containing approximately 9 acres, subject to confirmation by formal survey and acceptable plat required to provide an acceptable legal description and record acreage.

(b) LANDS OF THE UNITED STATES.—National Forest lands available for conveyance to Dunigan Enterprises are all of the land situated in the State of New Mexico described as follows:

(1) New Mexico principal meridian, Sandoval County, Township 15 North, Range 6 East:

(A) Sec. 10. The portion of lot 1 lying northeast of the Dunigan Tract as described at volume 21, pages 361-363 of the Sandoval County records.

(B) Sec. 11. Lots 1, 2, and 3 and the portion of lots 4 and 5 of the N½, SW¼, and SE¼ lying northeast of the Dunigan Tract as described in volume 21, pages 361-363 of the Sandoval County records.

(C) Sec. 12. Lots 1, 2, 3, and 4, S½.

(D) Sec. 13, Lots 1, 2, 3, and 4, NE¼, NW¼, N½. and NE¼.

(E) Sec. 14. The portion of lots 1 and 2 lying northeast of the Dunigan Tract as described in volume 21, pages 361-363 of the Sandoval County records.

(2) New Mexico principal meridian, Santa Fe County, Township 15 North, Range 7 East:

(A) Sec. 7. Lots 1, 2, 3, and 4, S½ and S½.

(B) Sec. 8. Lots 8 and 9.

(C) Sec. 17. Lots 2, 3, 6, and 7.

(D) Sec. 18. Lots 1, 2, 5, and 6, N½, N½, N½, and SE¼,

containing approximately 1,700 acres, subject to easements and rights of way of record.

(c) CORRECTIONS.—The Secretary and Dunigan Enterprises may by agreement correct any errors in the legal descriptions made in subsections (a) and (b).

SEC. 4. ADDITIONAL COMPENSATION.

In addition to the conveyance of land to Dunigan Enterprises under section 2, there shall be paid to Dunigan Enterprises the sum of $1,075,527 from the permanent judgment appropriation, on certification by the Secretary to the Comptroller General that the land conveyances and release described in section 2(a)(2) have been completed.

SEC. 5. DISPOSITION OF LANDS.

Lands conveyed to the United States pursuant to this Act shall become part of the Santa Fe National Forest and shall be administered by the Secretary pursuant to the Act of March 1, 1911 (36 Stat. 961).

SEC. 6. CONSUMMATION OF TRANSACTION.

It is the intent of the Congress that the conveyances authorized in section 2 shall be made within 1 year after the date of enactment of this Act.

SEC. 7. LAND OWNERSHIP ADJUSTMENT STUDY.

(a) STUDY.—The Secretary shall conduct a study of Baca Location No. 1 to address—

(1) the scenic, geologic, recreational, timber, mineral, grazing, and other multiple use attributes of Baca Location No. 1; and

(2) options for acquisition of Baca Location No. 1 by the United States, in whole or part, by purchase, exchange, donation, or otherwise.

(b) COOPERATION.—(1) The study required by subsection (a) shall be conducted in cooperation with the owners of Baca Location No. 1, other interested parties, and the general public.

(2) This Act does not authorize entry upon Baca Location No. 1 by any person without the express permission of the landowner, and the Secretary shall make prior arrangements with the landowner for satisfactory access to the land for purposes of this section.

(c) ENVIRONMENTAL IMPACT.—The study required by subsection (a) shall not require preparation of an environmental impact statement.

(d) REPORT.—The Secretary shall report the results of the study required by subsection (a) and any recommendations for legislation not later than 3 full fiscal years after the date of enactment of this Act to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such funds as are necessary for the study required by subsection (a).●

By Mr. BINGAMAN:

S. 2522. A bill to require Congress to purchase recycled paper and paper products to the greatest extent practicable; to the Committee on Rules and Administration.

CONGRESSIONAL RECYCLING ACT

● Mr. BINGAMAN. Mr. President, I rise today to introduce legislation which would require the House of Representatives and the Senate to use recycled paper and paper products in their operations.

We are all aware of the importance of conserving natural resources. Recycling of those resources is one of the most important ways to support conservation. The most obvious and easiest ways to encourage recycling is through the use of recycled paper.

For recycling to be successful, there must be a supply of paper to recycle and there must be a demand for the product. At this point, we have become efficient at supplying paper for recycling; however, we have not supported the demand side of the equation through the use of recycled products. We must show a commitment to use recycled paper.

A number of us in the Senate have initiated a program in our offices to recycle all of the paper used in the office. This program shows that it is not difficult to separate paper products and begin the recycling process.

The Senate will soon consider important legislation to increase and improve the forested areas of the Nation through tree planting and forestry conservation measures. In addition to directly supporting forestry conservation measures, we need to start using recycled products.

Mr. President, I believe we must set the example on the use of recycled products. To further strengthen the Government's position on the use of recycled paper products, I plan to introduce legislation later this week which will require the General Services Administration to make recycled paper available to the Secretary of Agriculture for use by the Forest Service, the leader in forestry conservation.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the full text of this bill be placed in the RECORD.

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

S. 2522

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 "Congressional Recycling Act of 1990".

SEC. 2. REQUIREMENT FOR CONGRESS TO PURCHASE RECYCLED PAPER AND PAPER PRODUCTS.

(a) PAPER PURCHASED BY CONGRESS.—(1) The Clerk of the House of Representatives and the Secretary of the Senate shall take such action as may be necessary to assure that recycled paper and paper products are used to the greatest extent practicable in the operations of the House of Representatives and the Senate, respectively. Any decision not to use recycled paper or paper products shall be based on a determination that such items are (A) not available, or (B) available only at an unreasonable price.

(2) In carrying out the requirement of paragraph (1), the Clerk of the House and the Secretary of the Senate shall, at a minimum, take such action as may be necessary to assure that recycled paper or paper products are purchased under each contract, or subcontract under a contract, for the procurement of 10,000 pounds or more of paper or paper products.

(b) PAPER PURCHASED FOR CONGRESSIONAL PURPOSES.—The Public Printer shall take such action as may be necessary to assure that, in providing printing and other services to the House of Representatives, the Government Printing Office uses recycled paper and paper products to the greatest extent practicable. Any decision not to use recycled paper or paper products shall be based on a determination that such items are (A) not available, or (B) available only at an unreasonable price.

(c) UNREASONABLE PRICE.—For purposes of this Act, an unreasonable price is one which exceeds by more than 10 percent the price of nonrecycled paper or paper products.

(d) DEFINITIONS.—For purposes of this Act:

(1) The term "paper and paper products" includes printing and writing paper, corrugated boxes, napkins, tissue paper, and such other paper and paper products as may be considered necessary or appropriate to be included in such term by the Clerk of the House of Representatives, the Secretary of the Senate, or the Public Printer in implementing this Act.

(2) The term "recycled paper and paper products" means paper and paper products that contain the level of recovered material recommended by the Administrator of the Environmental Protection Agency in guidelines for Federal procurement of paper and paper products containing recovered materials, prepared pursuant to section 6002 of the Solid Waste Disposal Act (42 U.S.C. 6962).

SEC. 3. ANNUAL REPORTS.

The Clerk of the House of Representatives and the Secretary of the Senate, in consultation with the Public Printer, shall each publish a report on the implementation of this Act in the House of Representatives and the Senate, respectively. Each report shall include information on the progress and problems associated with such implementation, and findings and recommendations with respect to such implementation.●

By Mr. NICKLES:

S. 2523. A bill to provide for a reasonable management program for agricultural wetlands, and for other purposes; to the Committee on Environment and Public Works.

COMMON SENSE AGRICULTURAL WETLANDS ACT OF 1990

Mr. NICKLES. Mr. President, today I am introducing legislation entitled the "Common Sense Agricultural Wetlands Act of 1990" which addresses my concerns with the Federal management of agricultural wetlands.

Mr. President, the primary thrust of my legislation is to amend a wetlands conservation program created 4 years ago which is causing confusion and frustration among Oklahoma farmers and ranchers. This program, enacted with the Food Security Act of 1985 and nicknamed the "swampbuster," denies farm program benefits to any person who converts a wetland to produce an agricultural commodity.

The impact of this program in Oklahoma is widespread and substantial. To date, agricultural wetland determinations, conducted as a result of the Wetland Conservation Program, are complete for about half the State. Over 41,000 acres have already been identified as agricultural wetlands and over 2,500 farmers and ranchers in 37 counties are receiving notices from the Soil Conservation Service saying they have agricultural wetlands on their property. Based on information supplied by the SCS, we estimate 6,000 farmers and over 100,000 acres will eventually be affected by this program in Oklahoma alone.

Mr. President, I fully agree that our Nation has an abundance of valuable wetland resources which need to be protected for future generations, but it is time to fine-tune the legal definition of wetlands by applying some common sense. As things now stand, farmers and ranchers could lose all their Federal farm benefits if they plant on a parcel of land—no matter how small, no matter how long it's been farmed—that meets the legal definition of a wetland.

That just does not make sense.

The Common Sense Agricultural Wetlands Act was drafted in a manner which I believe addresses the concerns of farmers and ranchers, while maintaining the underlying interest of the Federal Government to protect valuable wetland habitat. The Common Sense Act will not result in the wholesale destruction of valuable wetland habitat. Persons who drain, fill, or otherwise modify significant wetland areas which have not traditionally been farmed will still risk the loss of all Federal Farm Program benefits.

Mr. President, the Common Sense Agricultural Wetlands Act of 1990 consists of three basic sections dealing with the Wetlands Conservation Programs, Clean Water Act section 404 permits, and Farmers Home Administration land inventory procedures, respectively. Rather than describing each of these sections, I respectively request that a summary of the legislation be included in the RECORD.

In recent weeks several bills affecting wetland programs have been introduced in the Senate. While the Common Sense Act and other wetlands legislation share some provisions, the Common Sense Act is the only bill which establishes a de minimis size and value determination and a cost/benefit analysis. Additionally, my legislation is the first legislative attempt to prevent the Farmers Home Administration from arbitrarily placing conservation easements on land as it passes through Federal inventory.

I am also pleased to say the Oklahoma Farm Bureau, the Oklahoma Farmers Union, the Oklahoma Wheat Growers Association, the Oklahoma Cattlemen's Association, and the Oklahoma Peanut Growers Association all support the Common Sense Agricultural Wetlands Act.

Mr. President, knowing that the Senate Agriculture Committee will likely devote considerable time to wetlands issues in the 1990 farm bill debate, I am hopeful that my colleagues will give my legislation due consideration as they examine these issues.

Mr. President, I ask unanimous consent that the text of the bill and a summary of the bill be printed in the RECORD.

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

S. 2523

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 "Common Sense Agricultural Wetlands Act of 1990".

SEC. 2. WETLAND CONSERVATION PROGRAM.

(a) PENALTY AND DE MINIMIS STANDARD.—Subtitle C of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) is amended by inserting after section 1221 the following new section:

"SEC. 1221A. GRADUATED PENALTY AND DE MINIMIS STANDARD.

"(a) GRADUATED PENALTY.—The Secretary may reduce the degree to which a person is declared ineligible under section 1221 in relation to the severity of the conversion.

"(b) DE MINIMIS STANDARD.—The Secretary shall establish a de minimis standard permitting conversion of certain wetlands taking into consideration the relative size of the wetland that is converted and the conservation, wildlife, and recreational value of the wetland.".

"(b) EXEMPTION.—Section 1222(a) of such Act (16 U.S.C. 3822(a)) is amended—

(1) in paragraph (3), by striking out "or" at the end thereof;

(2) in paragraph (4), by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(5) land determined by the local Soil Conservation Service conservationist to be exempt from the requirements of section 1221 because it does not exceed the de minimis standard established under section 1221A(b), or that is otherwise exempt based on a cost-benefit analysis conducted by such conservationist that compares—

"(A) the value of the long term loss of agricultural production on the land, the cost to restore or maintain the area as a wetland, and the cost to the Federal government to administer the area; with

"(B) the conservation, wildlife, and recreational value of such land; or

"(6) land traditionally devoted to the production of an agricultural commodity.

Land shall be considered traditionally devoted to the production of an agricultural commodity under paragraph (6) if an agricultural commodity was produced, or if such land was otherwise considered to be planted, for any 6 years in the 10 year period preceding the date of enactment of this paragraph.".

(c) REVIEW.—Section 1222 of such Act (16 U.S.C. 3822(a)) is amended by adding at the end thereof the following new subsection:

"(d) The Secretary shall establish procedures to enable persons who were subjected to wetland determinations under this subtitle prior to the date of enactment of the Wetlands Protection Act of 1990, to have such determinations reviewed for adjustments under paragraphs (5) and (6) of subsection (a).".

(d) REPORT.—Subtitle C of title XII of such Act (16 U.S.C. 1221 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 1224. REPORT.

"Not later than ———— of each year, the Secretary shall prepare and submit, to the Committee on Agriculture of the House of Representatives and the Committee on

Agriculture, Nutrition, and Forestry of the Senate, a report concerning the progress of the Secretary in implementing sections 1221 and 1222 during the preceding year.".

SEC. 3. AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT.

Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended by adding at the end thereof the following new subsection:

"(u)(1) This section shall not apply to the discharge of dredged or fill material into any wetland that is traditionally devoted to agricultural production. Land shall be considered to be traditionally used for agricultural production for any 6 years of the 10 year period preceding enactment of this subsection.

"(2) For purposes of this subsection, the term 'agricultural production' shall include—

"(A) the production of row crops;

"(B) apiculture, horticulture, viticulture, silviculture, aquaculture, and mariculture;

"(C) grazing or haying;

"(D) hydroponics;

"(E) the production of tree fruits or nuts;

"(F) the raising of cattle, horses, poultry, swine, sheep, goats and other livestock;

"(G) the storage of surface water for agricultural production;

"(H) the distribution of water for agricultural production;

"(I) conserving uses required as a condition of enrollment in an acreage reduction program administered by the Secretary of Agriculture under the Agricultural Act of 1949 or any amendments thereto;

"(J) all other activities described in section 404(f)(1) as of July 31, 1989; and

"(K) the construction, expansion, improvement, maintenance and operation of farm residences and facilities.".

SEC. 4. DISPOSITION OF INVENTORY LAND.

(a) IN GENERAL.—Section 335 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985) is amended—

(1) in subsection (c)(1), by adding at the end thereof the following new sentence: "The Secretary shall not encumber any land with a permanent conservation easement under this section, or transfer any land to a third person under this section, unless that Secretary has undertaken all reasonable efforts to publicly sell such land unencumbered by any such conservation easements.";

(2) in subsection (d), by adding at the end thereof the following new sentence: "No land shall be subject to a permanent easement under this subsection for conservation purposes unless that Secretary has complied with subsection (c)(1)."; and

(3) in subsection (e)(7), insert before the period the following: ", except that the Secretary shall not grant or sell a permanent conservation easement on such land unless that Secretary has complied with subsection (c)(1).".

(b) EASEMENTS.—Section 349(b) of such Act (7 U.S.C. 1997(b)) is amended by inserting before the period the following: "if the Secretary has undertaken all reasonable efforts to publicly sell such land unencumbered by any such conservation easements".

SEC. 5. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations necessary to carry out the amendments made by this Act.

THE COMMON SENSE AGRICULTURAL WETLANDS ACT OF 1990

WETLAND CONSERVATION AMENDMENTS

Current law

Any person who produces an agricultural commodity on a converted wetland loses ALL farm program benefits, including: deficiency payments, crop insurance, disaster payments, and FmHA loans.

The Common Sense Agricultural Wetlands Act of 1990

Authorizes the Secretary of Agriculture to reduce wetland conservation program penalties in relation to the severity of the producer's infraction.

Requires the Secretary to develop a "de minimis" standard for agricultural wetlands which considers: the relative size of the wetland; and the conservation, wildlife, and recreation value of the wetland.

Exempts agricultural wetlands which don't exceed the "de minimis" standard established by the Secretary. Wetlands may also be exempted based on a cost-benefit analysis conducted by the local conservationist that compares: the value of long term loss of agricultural production on the land, the cost to restore or maintain the area as a wetland, and the cost to the federal government to administer the area and ensure compliance; with the conservation, wildlife, and recreational value of such land.

Exempts land traditionally devoted to the production of an agricultural commodity. Land shall be considered traditionally devoted to the production of an agricultural commodity if an agricultural commodity was produced, or considered to be planted, for any 6 years in the ten year period preceding the enactment of this legislation.

Requires the Secretary to allow persons notified of wetland determinations prior to the passage of these amendments to request a revised ruling from SCS under the new provisions.

Requires the Secretary to submit an annual report to the Congress on the progress of implementing wetland conservation programs.

AMENDMENT TO THE FEDERAL WATER POLLUTION CONTROL ACT

Current law

Section 404 of the Clean Water Act prohibits the discharge of dredged or fill material into wetlands under the jurisdiction of the Corps of Engineers and the EPA. The law provides an agriculture exemption, but it is too vague to be effective and its administration has been inconsistent.

The Common Sense Agricultural Wetlands Act of 1990

Exempts from the jurisdiction of the Corps and the EPA any wetland that is traditionally devoted to agricultural production. Land shall be considered to be traditionally devoted to agricultural production if such land was devoted to agriculture production for any six years in the ten-year period preceding the enactment of this legislation.

DISPOSITION OF INVENTORY LAND

Current law

FmHA has the authority to place conservation easements on inventory land even if it is simply passing through federal inventory. FmHA also has the authority to transfer portions of inventory lands to federal, state, and local agencies, or private nonprofit entities for conservation purposes.

The Common Sense Agricultural Wetlands Act of 1990

Requires the FmHA to make every effort to publicly sell inventory lands as is, without the encumbrance of conservation easements. FmHA would also be required to make every effort to publicly sell inventory lands before transferring them to third parties.

REGULATIONS

Current law

The federal definition of a wetland and most of the procedures used to implement federal wetland programs have never been submitted to public review and comment.

The Common Sense Agricultural Wetlands Act of 1990

Requires the Secretary to develop regulations and procedures to carry out the amendments made by this legislation no later than 180 days after its enactment. These regulations and procedures would be subject to public review and comment.

ADDITIONAL COSPONSORS

S. 101

At the request of Mr. SANFORD, the name of the Senator from Georgia [Mr. FOWLER] 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. 434

At the request of Mr. REID, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 434, a bill to prohibit a State from imposing an income tax on the pension income of individuals who are not residents or domiciliaries of that State.

S. 1286

At the request of Mr. KASTEN, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1286, a bill to amend the Internal Revenue Code of 1986 to provide for a maximum long-term capital gains rate of 15 percent and indexing of certain capital assets.

S. 1511

At the request of Mr. PRYOR, the names of the Senator from Pennsylvania [Mr. HEINZ] and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 1511, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the protections given to older individuals in regard to employee benefit plans, and for other purposes.

S. 1758

At the request of Mr. GLENN, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1758, a bill to provide for the establishment of an Office for Small Government Advocacy, and for other purposes.

S. 1890

At the request of Mr. THURMOND, the names of the Senator from Montana [Mr. BAUCUS] and the Senator from Kansas [Mr. DOLE] 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 civl service retirement, and for other purposes.

S. 1971

At the request of Mr. THURMOND, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1971, a bill to establish a constitutional death penalty and strengthen and improve Federal criminal penalties and procedures.

S. 2041

At the request of Mr. SYMMS, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor 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. 2146

At the request of Mr. BRADLEY, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 2146, a bill to clarify the authority of the Small Business Administration to make disaster assistance loans to small businesses in case of disasters determined by the Secretary of Agriculture.

S. 2183

At the request of Mr. MOYNIHAN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 2183, a bill to provide for the conservation and development of water and related resources, to authorize the U.S. Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes.

S. 2222

At the request of Mr. BRADLEY, the names of the Senator from Missouri [Mr. DANFORTH], the Senator from South Carolina [Mr. THURMOND], and the Senator from Indiana [Mr. LUGAR] 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.

S. 2240

At the request of Mr. KENNEDY, the names of the Senator from Maine [Mr. COHEN], the Senator from Georgia [Mr. FOWLER], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of 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.

S. 2250

At the request of Mr. DECONCINI, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 2250, a bill to amend title 5, United States Code, with respect to setting rates of basic pay for law enforcement officers, and for other purposes.

S. 2316

At the request of Mr. BRADLEY, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 2316, a bill to amend the Agricultural Act of 1949 to establish an equitable sugar price support program, and to require the use of a tariff rate quota to make this program effective.

S. 2356

At the request of Mr. SYMMS, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 2356, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees.

S. 2388

At the request of Mr. CRANSTON, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 2388, a bill to provide for the striking of medals in commemoration of the Centennial of Yosemite National Park.

S. 2415

At the request of Mr. DOMENICI, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 2415, a bill to encourage solar and geothermal power production by removing the size limitations contained in the Public Utility Regulatory Act of 1978.

S. 2500

At the request of Mr. CHAFEE, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 2500, a bill to amend title 23, United States Code, to control billboard advertising adjacent to Interstate Federal-aid primary highways, and for other purposes.

SENATE JOINT RESOLUTION 48

At the request of Mr. HOLLINGS, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from Georgia [Mr. NUNN], the Senator from Illinois [Mr. DIXON], the Senator from Nebraska [Mr. KERREY], the Senator from Massachusetts [Mr. KERRY], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 48, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional and Presidential elections.

SENATE JOINT RESOLUTION 263

At the request of Mr. HELMS, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Colorado [Mr. ARMSTRONG] were added as cosponsors of Senate Joint Resolution 263, a joint resolution to designate October 11, 1990, as "National Society of the Daughters of the American Revolution Centennial Day."

SENATE JOINT RESOLUTION 267

At the request of Mr. THURMOND, the names of the Senator from Utah [Mr. GARN], the Senator from Florida [Mr. GRAHAM], the Senator from Montana [Mr. BURNS], the Senator from Missouri [Mr. BOND], the Senator from North Dakota [Mr. BURDICK], and the Senator from Idaho [Mr. MCCLURE] were added as cosponsors of Senate Joint Resolution 267, a joint resolution to authorize and request the President to designate May 1990 as "National Physical Fitness and Sports Month."

SENATE JOINT RESOLUTION 277

At the request of Mr. LUGAR, the names of the Senator from Ohio [Mr. METZENBAUM] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 277, a joint resolution designating October 6, 1990, as "German-American Day."

SENATE JOINT RESOLUTION 290

At the request of Mr. ARMSTRONG, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 290, a joint resolution to designate the week of July 22, 1990, through July 28, 1990, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War."

SENATE JOINT RESOLUTION 295

At the request of Mr. DANFORTH, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Joint Resolution 295, a joint resolution proposing an amendment to the Constitution of the United States to prohibit the Supreme Court or any inferior court of the United States from ordering the laying or increasing of taxes.

SENATE CONCURRENT RESOLUTION 104

At the request of Mr. BIDEN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Concurrent Resolution 104, a concurrent resolution expressing the concern of the Congress regarding the Birmingham Six, and calling on the British Government to reopen their case.

SENATE CONCURRENT RESOLUTION 115

At the request of Mr. LAUTENBERG, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of Senate Concurrent Resolution 115, a concurrent resolution to express the sense of the Congress regarding future funding of Amtrak.

SENATE RESOLUTION 231

At the request of Mr. BRADLEY, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Resolution 231, a resolution urging the submission of the Convention on the Rights of the Child to the Senate for its advice and consent to ratification.

SENATE RESOLUTION 263

At the request of Mr. LAUTENBERG, the name of the Senator from Georgia [Mr. FOWLER) was added as a cosponsor of Senate Resolution 263, a resolution to express the sense of the Senate regarding the need to establish a sound national transportation policy integrating all modes of transportation and maintaining a significant Federal role.

AMENDMENTS SUBMITTED

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

BIDEN AMENDMENT NO. 1523

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill (H.R. 4404) making dire emergency supplemental appropriations for disaster assistance, food stamps, unemployment compensation administration, and other urgent needs, and transfers, and reducing funds budgeted for military spending for the fiscal year ending September 30, 1990, and for other purposes, as follows:

At the appropriate place in the bill, insert the following:

ECONOMIC SUPPORT FUND AND DEVELOPMENT ASSISTANCE

For an additional amount for the "Economic Support Fund" (as authorized by chapter 4 of part II of the Foreign Assistance Act of 1961) and an additional amount for "Development Assistance" (as authorized by chapter 1 of part I of the Foreign Assistance Act of 1961), as may be determined by the President, which amounts shall be available only for assistance for Bolivia, Colombia, and Peru: *Provided*, That the aggregate of such amounts equal $125,000,000.

At the end of the bill, add the following new section:

SEC. . Of the total unobligated amounts available for the Department of Defense accounts entitled "Procurement" and "Research, Development, Test and Evaluation" for the fiscal year 1990, $125,000,000 shall be withheld from obligation and expenditure.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, April 25, at 9:30 a.m., for a hearing on the subject: Oversight of the operation of inspectors general offices.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Communications, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on April 25, 1990, at 2 p.m. on S. 1918, legislation to lift the manufacturing restrictions on the Bell operating companies.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 25, 1990, at 9:30 a.m. on "Responses to Global Change—What You Can Do."

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

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Wednesday, April 25, 1990, at 9:30 a.m. to hold hearings on FHA mortgage ceilings.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 25, 1990, at 10 a.m. to hold a closed hearing on intelligence matters.

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

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 25, 1990, at 10:30 a.m. to hold a hearing to discuss in detail the progress being made on United States-Japan trade negotiations.

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

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., April 25, 1990, for a hearing to receive testimony on S. 370, a bill to amend the Land and Water Conservation Fund Act, to establish the American Heritage Trust, for purposes of enhancing the protection of the Nation's natural, historical, cultural, and outdoor recreational heritage, and for other purposes.

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

ADDITIONAL STATEMENTS

RECOGNITION OF HARRY VINES

● Mr. BUMPERS. Mr. President, I rise today to congratulate Harry Vines, coach of the Rollin' Razorbacks wheelchair basketball team, on receiving a 1990 President's Volunteer Action Award.

Coach Vines will receive this special recognition for his commitment and dedication to the wheelchair basketball program.

The Rollin' Razorbacks started as a recreation team 12 years ago, and since joining the National Wheelchair Basketball Association in 1980, they have reached the final four twice. This past year, the Rollin' Razorbacks ended their season with a 28–2 record and were runners-up in the National Wheelchair Basketball Tournament.

In addition to coaching the Rollin' Razorbacks, Harry Vines coached the United States wheelchair basketball team in the 1987 Stoke-Mandeville Games in Great Britain and led the United States team on a goodwill tour of The Netherlands last year. He has also been selected to coach the United States team for the Gold Cup competition in Belgium this summer. We in Arkansas are very proud of Coach Vines and we are equally proud of the Rollin' Razorbacks.

This has been a good year for Coach Vines and the Rollin' Razorbacks, and I wish them all the best in the seasons ahead.●

PULITZER FOR WILSON

● Mr. DURENBERGER. Mr. President, just 3 short years ago, I stood on the Senate floor and beamed with pride that a Minnesotan, August Wilson, had just won a Pulitzer Prize for drama, for his work, "Fences."

On April 12, 1990, August Wilson again received that distinguished honor, this time for his play "The Piano Lesson." In spite of these honors, though, Wilson remains a humble, down-to-earth man.

Wilson's recognition now puts him in a category with some of America's literary giants, namely Eugene O'Neill and Robert E. Sherwood, who together garnered seven Pulitzer Prize for drama.

In his critically acclaimed works, Wilson is treading out new paths in America, and human drama. Black and

white audiences alike are learning, through Wilson, that the tragedies and triumphs of life know no color, income, or territory. And, he teaches us this lesson in humanity by making us use our imaginations, as well as our hearts, to further understand the special characters of his story.

The people of St. Paul are particularly proud of Wilson, who chose the city as his home in 1978. Today, I want to share that pride with my colleagues in the Senate, by submitting for the RECORD, the front page story from the St. Paul Pioneer Press, April 13, 1990, which gives us all a little insight into this very rare master.

It reads as follows:

"PIANO LESSON" SCORES PULITZER FOR PLAYWRIGHT WILSON

(By Diane Hellekson and Roy M. Close)

NEW YORK.—St. Paul playwright August Wilson won the 1990 Pulitzer Prize for drama, his second Pulitzer, for his 1987 play "The Piano Lesson."

Wilson, 44, won his first Pulitzer for "Fences" in 1987. "The Piano Lesson," which premiered at the Yale Repertory Theater in 1987 and was a finalist for last year's Pulitzer, will open Monday on Broadway.

In New York to attend previews of the play this week, Wilson was giving an interview in the Edison Hotel coffeeshop when he heard news of the award.

"I'm glad for this particular play, and for the cast, which has stuck with the play for two years," he said.

Pulitzer Prizes are awarded annually by Columbia University for outstanding achievement in journalism and the arts.

Finalists for this year's drama award were Maria Irene Fornes for "And What of the Night?" and A.R. Gurney for "Love Letters."

Only two other playwrights have received more Pulitzer Prizes than Wilson: Eugene O'Neill, who won four from 1920 to 1957, and Robert E. Sherwood, who won three between 1936 and 1941.

Set in 1936, "The Piano Lesson" tells the story of Boy Willie, who travels to his sister Berniece's home in Pittsburgh, where he hopes to raise money to buy a cotton farm. The land had been owned by a character named Sutter, a descendant of the man who owned Willie's ancestors as slaves. But in order to buy Sutter's farm, Willie must sell a family heirloom, a valuable piano carved with the faces and events from his family's past.

To complicate matters, Sutter's ghost is living in Berniece's house. Because of this and Willie's opportunity to buy the farm, she believes her brother was responsible for the white man's death.

"I've always liked the play," Wilson said. "I think it at least poses some more important questions than, say, 'Fences' did: What do you do with your legacy? Do you acquire a sense of self-worth by denying your past?"

With its strong characterization and vivid dialogue, "The Piano Lesson" is typical of Wilson, who has been praised for his accessible portrayals of 20th century black Americans. Incorporating gentle humor as well as tragedy, the plays are also notable for their use of black speech patterns.

"The good playwrights don't speak like anybody else," said Lloyd Richards, artistic director of Yale Repertory Theatre, New Haven, Conn. "He has a marvelous faculty for storytelling, which transfers itself to his characters."

Yale Repertory has premiered all. Wilson's plays since 1984, most recently "Two Trains Running," which opened March 30. Richards also is directing "The Piano Lesson" on Broadway.

Wilson, a high school dropout with three honorary degrees, was born in Pittsburgh in 1945. He grew up in the poor, predominantly black Hill district with his mother and five siblings, and dropped out of school at age 15 after a teacher wrongly accused him of plagiarism. He honed his literary skills as a poet, and wrote his first play in the 1960s.

Wilson moved to St. Paul in 1978, after developing a fondness for the city during a visit to work on a play here with Claude Purdy, resident director of Penumbra Theater. Penumbra has staged two of Wilson's plays, "Ma Rainey's Black Bottom" and "Jitney," and will present "Fences" in May.

Wilson, who lives with his wife, Judy Oliver, in the Cathedral Hill neighborhood, is a habitue of such local establishments as Tommy K's and Cognac McCarthy's—bars that serve as informal "offices" for the playwright.

Wilson wrote portions of several plays over coffee and cigarettes at Esteban's, formerly on Grand Avenue.

Characteristically humble, Wilson says the second Pulitzer won't change his life. "I'm going to continue doing the same thing I've been doing, which is writing plays." He is currently revising "Two Trains Running" and working on a new play, "Moon Going Down."

Will he continue to work in St. Paul's saloons? "Oh sure," he said. "That's the only way I know how to do it."●

COMDR. ANTHONY WATSON HONORED

● Mr. SIMON. Mr. President, Rev. Elmer Fowler, who is a religious and civic leader in Chicago and has stood up on so many positive, constructive things for that city, will be presenting to Comdr. Tony Watson, an award known as the Heritage and Freedom Award on May 20. It has been given to a distinguished group of Americans, including the first one to Dr. Benjamin E. Mays, whose leadership on the national level we all recognize.

Mayor Harold Washington was one of the recipients.

For this man, who came from the Cabrini Green housing projects in Chicago and has achieved the rank of commander at Annapolis, it is a great tribute. It is also a great tribute to his family and all those who helped him along the way.

The ceremony in Chicago will begin at 11 a.m., and then there will be a luncheon honoring him.

I ask that three articles about Tony Watson and this award be printed in the RECORD at this point. The first one is a "Professional Profile" which appeared in the publication U.S. Black Engineers; the second is titled "From Mess Attendant to Chairman of the Joint Chiefs of Staff," written by Reverend Fowler; and the third is an article written by William Mullen, which appeared in the Chicago Tribune magazine on July 2, 1989. I commend Reverend Fowler and all who have played a role in this tribute.

The material follows:

PROFESSIONAL PROFILE: COMDR. TONY WATSON

Watson started at the Naval Academy in aerospace engineering: "I got attracted to submarines after visiting one during my junior year. I thought I'd like it, and it turned out to be the right decision."

One's first impression of Commander Tony Watson is his size. He is likely the largest man aboard the USS Hammerhead, in height and bulk. An ex-football player and boxer, Watson has the fit look of a man who's stayed in shape since his athletic days. He also has the overall appearance of great strength. As the Executive Officer of the ship, his duties include running its many systems, including the nuclear power plant, and making sure the officers and enlisted men keep the ship running smoothly. And to do all that, strength is just what he needs.

As XO, Cmdr. Watson is second in command of the USS Hammerhead. He executes the policies of the ship and the commanding officer. An XO is also there, he says, "to relieve in case the commanding officer of the ship becomes incapacitated for some reason." For the most part, though, his job is "to carry out the day-to-day routine of the ship, to make the ship ready to go to sea from the standpoint of tactical training, making sure we're ready to do the job we're assigned to do in terms of combat readiness, as well as other objectives, such as projecting the flag overseas, pulling into ports and showing those other countries we're there to support them."

A soft-spoken man for the most part, Watson can definitely use his powerful voice when necessary. However, during the several hours it took to conduct this interview, his quiet, courteous manner predominated with visitor and crew alike. The Hammerhead was in Norfolk, Virginia, for refitting and repairs, and the men aboard seemed to know exactly what Watson expected of them. It is this quiet discipline that most distinguishes Tony Watson from civilians at his level of accomplishment. Yet listening to him speak of his achievements means hearing about his pride at the accomplishments of the men under his command.

As he puts it, his main job is to "organize everybody else to get done what they need to do so I can get done what I need to do." Often that job requires more than just the strength he obviously has. "There are so many objectives to be met on a ship—training, getting people off on leave, maintaining the ship in a top material readiness condition—that you can't get it all done all the time as designed, as you planned to do it."

Tony Watson grew up in the Cabrini Green section of Chicago. A tough part of the city, Watson admits "I don't even like to walk the streets at night, now." "Ramsey Lewis, Curtis Mayfield and Mr. T. are other well-known Americans who also spent their youths there. Watson attended Lane Tech in Chicago, and then went on to the Naval Academy in Annapolis, Maryland, to study aerospace engineering. "I had always wanted to be a jet pilot," he recalls. "Always until I flew in a Navy jet. The guy took me up to about 40,000 feet and turned us over and took us down to about 20,000 feet and I decided that really wasn't what I wanted to

do for the next 20 years. From that point I got attracted to submarines after visiting one during my junior year. I thought I'd like it, and it turned out to be the right decision."

After serving for 12 years aboard five different ships in the nuclear submarine force, Watson was assigned shore duty in New London, Connecticut. This "easier" work led him to make a decision which changed his life as much as that ride in a Navy jet had earlier. He left the service, but not for long.

"I got out and worked for Potomac Electric Power Company in Washington, D.C., as Operations Coordinator. My job was to improve the operational efficiency of all the power plants in the PEPCO system around Washington. It was a really interesting job to me because I like the area around Washington. All the plants are within a one hour drive, and I got to do a lot of things in the area. It worked out real well for me except that the job is not a fraction of the challenge that this job is. And that's what my decision to come back boiled down to. Fortunately, I'd stayed active in the Reserves, and I opted to come back in October, 1983."

He served three months aboard a Los Angeles Class submarine, the U.S.S. *Birmingham*, "to requalify as a nuclear engineer." And then Commander Watson came to the Hammerhead as Executive Officer. He missed some advancement possibilities while he was out of the Navy. At 36, he admits he is "running a little bit behind the curve because I was out for one year. I'm a bit senior to be here as XO. I have classmates who are commanding submarines. So, this will be a relatively short tour before I go on to command."

Unlike naval surface ship assignments, nuclear submarine force officers have only two choices of duty. While surface ship officers can choose from several ship types, aircraft carriers, cruisers, destroyers, and so on, "We have only two types of at-sea assignments," Watson explained. "Either an SSN fast attack submarine like this one, or an FBM ballistic missile submarine, in which the engineering complex is virtually the same." However, there are many more nuclear-powered submarines than are surface ships, so officers tend to get higher responsibility sooner in the submarine service. That's not to say that surface ship nuclear engineering officers don't have "relatively the same amount of responsibility in terms of men that they handle and the amount of material and equipment they're responsible for" up through the lieutenant commander level, according to Watson.

Rather, "In the senior commander and captain ranks in the surface force you get assigned to different kinds of jobs. A commander in the surface nuclear fleet would likely get assigned to be engineer of a power plant as opposed to being commanding officer of the ship. And he could be assigned to be Reactor Officer on a larger ship class, such as a cruiser or an aircraft carrier where he may be responsible for reactor complexes that are 5 times as big as the engineering complex we have."

Learning nuclear reactor procedure in the Navy is proably the finest training in the world. While we hear about accidents and mishaps in civilian power plants, we never do about naval reactors. Cmdr. Watson attributes this difference to one person. "I think the difference is clear. I've worked on both sides now. The difference is the program that Admiral (Hyman) Rickover built. From day one, the difference between ours and the others are the standards we exact, that we demand, that we comply with. We do things by procedure. One of the fundamental areas of our training program is that we conduct formal training sessions to make sure that all of our operators understand the principles involved in the operation of the propulsion plant. So that when they go to turn a switch or open a valve they know what to expect to happen. And if it doesn't happen, then they undo what they did. And with as many valves and pipes as we have jammed into a submarine, the guys who operate those systems have to know what they're doing. There are hundreds, thousands of valves."

"We train to such detail," he continued, "that when those guys crack a valve open there's a certain procedure they use. They crack the valve, listen for the sound, confirm for themselves that the sound they're hearing is the sound of fluid passing, or the sound of just a little fluid passing until it pressurizes the area to the next valve and then the sound should stop. We train them, we hammer it into them until it's natural. And we spend the time to do that. A good portion of each day, probably an hour a day, we use to train people. And they don't do that, they can't afford to do that, the public won't pay for that much training to be done in the private sector right now. That tide is changing, I think, as a result of TMI (Three Mile Island). It's going to have to. If we expect people to react properly, we're going to have to train them how to react. And we do that, and that's the difference."

Fast attack submarines operate against other ships rather than land targets. They might provide support for aircraft carrier forces, or operate independently, quietly perusing objectives in any part of the oceans. The Hammerhead's home port is Norfolk, where Watson and the crew spend approximately half the year. Of course, being at sea for extended periods, away from family and friends, has drawbacks as well. For Watson, though, who has worked recently in both the civilian sector and the Navy, the drawbacks are more than compensated for by the rewards and gratifications of his job.

"The greatest gratification comes from having done a job that is unique in the world. There are only a hundred and some odd U.S. submarines. They have a unique job to do. And it's tough getting from point A to point B. And it makes me feel proud when I stand up in front of these 136 guys in our ship's crew and know that each one of those guys is an expert in his particular area. And that they can take what looks like this simple black tube sitting in the water and make it do all kinds of things out there in the middle of the ocean, without making any noise, without letting anybody know we're there, and to get the job done. The submarine leaves port and it hardly ever communicates with anybody. We go out and get the job done and come back into port and nobody ever knows we've even left except our families. There's a lot of satisfaction in that. It also gives me a lot of satisfaction to be serving on a ship that has virtually the best retention program in the Navy. We've been on the retention honor roll for the past 47 months. That says a lot about the way we conduct business, because the ships that remain on the honor roll are those ships where people are satisfied."

All Naval Academy graduates are engineers of one sort or another. Tony Watson hoped to fly, so he started in aerospace engineering there. Now, he has switched over to nuclear engineering in order to understand and run the propulsion plant aboard his submarine. Aside from getting a sound education in the basics of science and math underlying engineering fields, what he calls "understanding how forces work," the most important advice Watson has for young engineers is "to get a reasonable balance of art courses under their belts, things such as writing, political science and others. I took one political science course in my four years at the Naval Academy, in my last semester. I enjoyed the dickens out of it. And it was unfortunately too late at that point to go back and do more. After I graduated, I got interested in subjects like philosophy and reading about the history of the world. And I really had no outlet for it at that time. I was working this job and didn't have time to go to school and take those courses, and it was too late. I really wish I had done it in school. Those who are already committed to going into an engineering field are going to get as much and more engineering as they want to get. They will not be lacking for that, and if they are, there will always be guidance from others. But that's not the case if you want to do other things in your life." Not being aware then how much enjoyment he would get from such subjects later in life, Watson admits, "If I could go back and redo my college days, that's one thing I'd do differently."

The future holds a great deal of promise for Comdr. Tony Watson. His next move is "Commanding Officer, hopefully of a Los Angeles class submarine here in Norfolk. That's what I'll be lobbying for, maybe in another year or so. That's always the lobbying effort because everybody wants a brand new submarine out of Norfolk. There's probably five ships available for fifty people, so it's tough and competitive."

Tony Watson wouldn't have it any other way. "I got out of the Navy to get into what I thought was greener pasture in the civilian world. And I found the biggest difference to be that this point in my life I still need more adventure. As Maslow and Hertzberg, the new management theorists, would say, the money is never the real issue with respect to job satisfaction. The real motivators are job satisfiers, doing well and being told that you're doing well, doing something that you can see makes a difference in the world. And everybody in this crew, I think, feels some of that satisfaction."

From Mess Attendant to Chairman of the Joint Chiefs of Staff

Prior to 1941, American citizens of the black race could only serve in the United States Navy as mess attendants. During the Japanese attack on Pearl Harbor, Dorie Miller was serving on board the U.S.S. Arizona as mess attendant. The captain of the ship was mortally wounded and the gunners were killed. Dorie Miller moved the captain to a safer place on the ship and took over an idle machine gun and shot down several Japanese planes without difficulty. Through the efforts of the Pittsburgh Courier and the Chicago Defender, both Negro newspapers, this issue was raised through the press, and after much public discussion President Roosevelt awarded Dorie Miller the Navy Cross. It was presented to him by Admiral Chester Nimetz.

In 1943, the navy department selected fifteen (15) black sailors and put them in a training program at the Great Lakes Naval Training Center to become lieutenants. Upon completion of their training, they were not allowed to graduate. Because of the intense struggle of these fifteen sailors

they were named "golden 15", and became the first black officers in the U.S. Navy. Thus began the long road toward integrating the negro into the U.S. Navy.

The Dorie Miller Foundation was organized in Chicago by the Reverend Elmer L. Fowler. The Dorie Miller Award was dedicated to be presented to individuals and organizations who would make noble contributions for the progress, welfare and prestige of American citizens of the black race. Annually, the Dorie Miller Foundation would host the Dorie Miller Commemoration Program; presenting the award to outstanding individuals or organizations. Jackie Robinson was the first black American to enter organized baseball, and the first to receive the Dorie Miller Award.

Since that time, the list of outstanding citizens has increased greatly in the last forty-seven (47) years. The members of the United States Senate who have received the American Heritage & Freedom Award are: the Honorable Charles H. Percy, the Honorable Ernest Hollings, the late Honorable Paul H. Douglas, and the late Honorable Everett M. Dirksen. The members of the U.S. House of Representatives include: the Honorable Margaret Stitt-Church, the Honorable Cardiss Collins, the Honorable Charles A. Hayes, the late Honorable Ralph H. Metcalf and the late Honorable Barrett O'Hare. The last person to receive this award in 1989, before his death, was the late Honorable Claude Pepper.

On March 3, 1989 Senator Byrd gave a resounding tribute on the floor of Congress honoring Senator Pepper for his long tenure both as senator and congressman. Later that same day in his office, Senator Pepper received the American Heritage & Freedom Award presented to him by Rev. Fowler.

In 1979, fifteen (15) outstanding black women of our nation received the American Heritage & Freedom Award. Among the outstanding American women chosen to receive this award were Congresswoman Cardiss Collins, the then newly elected chairman of the Congressional Black Caucus. The fourteen (14) other distinguished women chosen to receive the award were: Dr. Geraldine P. Woods, Chairman of the Board, Howard University; Attorney Margaret Bush Wilson, Chairman of the Board of the National NAACP; Dr. Dorothy I. Height, President of the National Council of Women; Dr. Dorothy L. Brown, the first black woman surgeon in the South; Mrs. Coretta Scott King, wife of the late Dr. Martin Luther King, Jr., Center for Social Change; Mrs. C. Delores Tucker, former Secretary of State of the Commonwealth of Pennsylvania; Mrs. Vivian Carter Mason, outstanding human rights activist and club woman, Norfolk, Virginia; Mrs. Alberta King, late mother of the late Dr. Martin Luther King, Jr., (awarded posthumously); Attorney Frances Hooks, wife of Dr. Benjamin Hooks, National Executive Director of the NAACP; Attorney Jewel LaFontant, of Chicago, Illinois; Ms. Lu Willard, then the only black woman diamond cutter and jeweler of New York City; Rosa Parks, precipitator of the Montgomery, Alabama bus protest; Mrs. Clarice Collins Harvey, social, educational, and civil rights worker; Dr. Ruth Love, Superintendent of public schools, Oakland, California, and Assistant Director to Mrs. Carter on National Mental Health.

Throughout the history of the United States of America, black women have led the country in stamina, strength and dedication. This country can never forget the Harriett Tubmans, the Sojourner Truths, the Barbara Jordans; the contributions of black women in general, who have formed a strong coalition to push black Americans to excellence.

In Chicago, on Sunday, May 20, 1990, Captain Anthony Watson will be honored with the 47th Annual American Heritage and Freedom Award.

Tony Watson was born and raised in the Cabrini-Green housing project. He distinguished himself by graduating from Lane Tech High School—an "A" student. He graduated from the Naval Academy and served in the United States Navy as Executive Officer of the U.S.S. Hammer Head. Recently he served as Captain of the U.S.S. Jacksonville, one of America's finest atomic propelled submarines.

On November 10, 1989, Commander Watson was relieved of his duties on board the Jacksonville, and received his stripes as captain in the United States Navy. He is now deputy Commander of the United States Naval Academy.

The accomplishments of this one man, Captain Anthony Watson, makes him an outstanding Role Model for the young people of America today. He certainly deserves the high honor that we will bestow upon him in Chicago.

Tributes will be made by the U.S. Navy Department, the Governor of the State of Illinois, James Thompson, the Mayor of the city of Chicago, Richard M. Daley, and many other outstanding citizens of Chicago and the State of Illinois.

The theme for this year's ceremony will be from Dorie Miller at Pearl Harbor to Anthony Watson at the Naval Academy, and from Mess attendant to the Chairman of the Joint Chiefs of Staff.

Though black Americans have come a long way in the Navy, we realize they have a long way to go to accomplish full integration and to enjoy the privileges of all other American citizens in the armed forces.

As we look back from here to 1943, when 15 black sailors were sent to Great Lakes for training to become lieutenants, it is rewarding to see 10 black admirals, many lieutenants, and lieutenant commanders, including Dr. Ronald A. McNair who lost his life on board the space shuttle. Captain Watson is the ideal person to represent black Americans, who have served America in all national and international conflicts. Their sweat, blood and tears have made this country strong and free.

All of America salutes him.

BACK HOME: ONE OF AMERICA'S BEST AND BRIGHTEST WARRIORS RETURNS TO CHICAGO WITH A MESSAGE

(By William Mullen)

At a Monday breakfast gathering earlier this year, Anthony John "Tony" Watson stands in front of a group of pin-striped executives at the ever-so-proper Union League Club. At 6 feet 1, the trim but muscular former athlete, resplendent in the dress-blue uniform of a U.S. Navy commander, fits right in.

Watson's mission is to deliver a lecture and slide show on the relative strengths of American and Soviet naval power, which he does with professional polish and aplomb. But he also uses part of his time at the Union League, a posh, tasteful preserve for the rich and powerful, to make an appeal to the gathered executives. Watson asks them to get involved with programs designed to lift the spirits and horizons of children growing up a few miles north in the Cabrini-Green housing project. Chicago's grim and perhaps most notorious preserve of poverty, crime and social aberration. Watson grew up there from his infancy.

The day before, Watson spoke to quite a different audience, the congregation at the 11 a.m. service of the Third Baptist Church at 1551 W. 95th St. The church, a cavernous former movie palace done in Art Deco style, is headed by its popular pastor, the Rev. Elmer L. Fowler, recently elected president of the South Side Chapter of the Chicago NAACP.

The congregation was honoring the memory of two old friends of the church—Adm. Draper Kauffman and his wife, Peggy, both deceased. The service was part of the dedication ceremonies for the Peggy Kauffman Friendship House, a newly opened shelter for homeless elderly people a few blocks away from the church. Among the guests were members and friends of the Kauffman family, including Mrs. Prescott Bush, the late admiral's sister and President Bush's sister-in-law. Watson, who had been befriended by the Kauffmans at a critical time in his life, was the guest speaker.

As at home in that church as at the Union League Club, Watson sits in the congregation with his mother, Mrs. Virginia Watson, 64, and his grandmother, Mrs. Ethel Smith, 84, and two younger sisters. He's completely attuned to the gospel music of the church's enormous choir, which performs with such soaring, foot-stomping emotion that three women faint away.

When it comes time for him to speak, Watson again carries out his mission with aplomb. After giving a heartfelt tribute to the Kauffmans, he singles out children in the congregation and, using himself as an example, gives them a stirring lecture on how anyone can rise above his or her disadvantaged background and beat the odds to become anything he or she desires to be. He then delivers a moving memorial to the positive influence he received from his father, and by the time he speaks directly to his mother on behalf of himself and his two brothers and three sisters, there's hardly a dry eye left in the church: "You engineered us out of the projects. You didn't have any equations. You didn't have any tools. But, Mom, you are the reason we're here."

Watson is used to being called upon as a role model and often uses his meager free time to speak to black children directly or to others on their behalf. A 1970 graduate of the U.S. Naval Academy, he is a man of many accomplishments. Late this year he will have captain's stripes sewn onto his uniform when he returns to the academy as deputy commandant. Until then, he will continue as commander of the U.S.S. Jacksonville, a nuclear attack submarine.

The Jacksonville is a billion-dollar piece of technology with supersecret electronic and weapons systems that approach the complexity of the systems in the space shuttle. Its mission is to seek out and monitor Soviet submarines in the vast, underwater expanse of the Atlantic Ocean and, should war break out, to help destroy them. Commanding a ship with such a doomsday mission requires the combined skills of an ace engineer, a superb leader of men and a cunning hunter/killer. Watson's job, in short, is reserved for only a few of the brightest and most capable naval officers, men who rise to the top after years of rigorous training and intense competition.

One child accomplishing as much as Tony Watson has would make any family proud, but the children of Johnny and Virginia

Watson are all sources of family pride. In order of age, Charles, 42, is a Chicago accountant. George, 41, is a public-affairs representative with the Chicago Sun-Times. Tony, 40, having made the list for promotion to captain well ahead of most of his Annapolis classmates, could well become an admiral just a few years from now. Barbara, 36, is a supervisor at the Federal Reserve Bank in Chicago. Diane, 30, is an account supervisor at a credit union on Vandenberg Air Force Base in California. Liz, 26, is an electrical engineer and area manager for Illinois Bell Telephone Co.

It's the sort of story Americans like—all six children of a humble working-class family rising and planting themselves firmly in the middle class. All six grew up in Cabrini-Green. Their father, who died at the age of 64 in 1983, was a working man most of his life. He was an ink mixer for various Chicago printing companies until he was fired from his last job in the middle 1960s, the vicissitudes of alcoholism having caught up with him.

When their father stopped working, their mother became a teacher's aide at Jenner Elementary School inside Cabrini-Green, where all the six children had begun their education. Virginia Watson still works at the school, and she still lives in Cabrini-Green. There was never much money in the Watson household then, barely enough to keep food on the table and keep the kids in clothing. Yet all six of them went on to college and are now successful professionals, married and comfortably raising families of their own.

One factor in their success may well be that the family moved into the housing project before it became Cabrini-Green. Johnny and Virginia Watson, both raised on the West Side and both high school graduates, married in 1946. After their third child, Tony, was born in 1949, they began looking for something larger than the small apartment in Johnny's mother's house where they had been living.

Virginia's mother, who worked at Montgomery Ward's mail-order headquarters on Chicago Avenue, had noticed the lovely little Chicago Housing Authority rowhouse project near the Ward's warehouse. Named for Mother Frances Cabrini, the first American elevated to sainthood by the Catholic Church, the 583-unit project had been opened in 1943. Johnny and Virginia looked it over, liked what they saw, applied for a two-bedroom rowhouse and, their application accepted, moved in.

It was 1950, several years before the towering high-rises that now characterize Cabrini-Green were built. The rowhouses were then racially integrated, and the neighborhood surrounding them was a run-down but bustling Italian community known as "Little Sicily."

"The first place we lived in at Cabrini had houses across the street with mostly Italians living in them," says George Watson. "We had stores, laundries and delicatessens all over the neighborhood. We grew up in the midst of St. Philip Benizi parish. I have very good memories of that. The parish had a three-day feast every year, and everybody got in on it, including those of us from the rowhouses.

"It wasn't until after the high-rises were built that old ladies from the parish got beat up and rolled. After that started to happen, the church decided not to hold the feast anymore. The Italians began to move out of the neighborhood, and very few of them even came back to attend church there. That's when things began to change at Cabrini-Green."

Virginia Watson also had fond memories of Cabrini before much of the old neighborhood fell to the wrecker's ball to make way for the first high-rises in 1958. In those days, she says, the CHA ran the project much more strictly than it does now. She says there were frequent visits from housing officials to make sure tenants were properly maintaining their units. The CHA also used to keep stricter standards for screening potential tenants.

"In those days you had to show marriage certificates to get into an apartment," Mrs. Watson says. "There were no single parents in here then, and if a tenant was in trouble with the law, they couldn't stay here. You had more of a family atmosphere in those days, and parents paid more attention to their kids.

"In 1962, after the William Green high-rises went up, somebody from the CHA office asked us if we would be interested in moving into them, knowing we had a large family in a two-bedroom rowhouse. They showed us a brand-new four-bedroom unit, with all new cabinets, kitchen and everything. Johnny and I weighed that with having a front yard and a back yard in the townhouse. We thought it would be too hard to watch all those kids from a high-rise apartment, and we decided to stay in the rowhouses even if it was pretty cramped."

Instead they moved into a larger, three-bedroom rowhouse, the one in which Mrs. Watson still resides. The Watson's decision to stay in the rowhouses seems to have been a crucially positive one in the upbringing of their children.

Most of the whites in the neighborhood had left by the time the last high-rises were built in 1962, and street gangs started to fight for dominance at Cabrini-Green. The rivalries eventually evolved into an ongoing battle between two large South Side gangs, the Black P Stone Nation and the Disciples. Tony Watson recalls how he and his brothers used to try to find various "safe routes" out of the projects to go to the store or to downtown moviehouses. Often they failed, he says, and got beaten up and robbed.

But the rowhouses themselves remained something of an oasis in the nasty high-rise environment that had engulfed them. The families in the rowhouses tended to be long-term tenants, families headed by both parents. The men made their presence known on the sidewalks in front of the rowhouses, and the gang members pretty much stayed away. No father was more vigilant than Johnny Watson.

William Nash, 40, an Ohio telephone-company executive, is a Cabrini-Green "alumnus" who boosted himself out of the project with a master's degree in business administration. He and Watson were best friends until they went to different high schools. He remembers Watson's father as a stern parent who policed the behavior of all the neighborhood children.

"You have to keep in mind that we were in grammar school during the transition (of Cabrini-Green) from a mixed to an all-black neighborhood," Nash says. "There was a group of us, 8 or 10 kids, who were about all that was going on academically even then in the school, and Tony was one of them. His dad always made him study.

"If a bunch of us were out fooling around in the evening and we decided to stay out later than usual, Tony always had to go home. The gangs were starting to come in, and crime was becoming more and more of a problem, but Tony's dad did a great job insulating his kids from what was going on."

"Daddy set standards for me—for all the kids," Tony Watson himself says. "He kept after us to clean the house, to be home when we were supposed to be there, to study when we were supposed to study. He wasn't so concerned about how well we did in our studies as much as how well we could apply ourselves. He was strict, but he was generous with his pride and his praise when we did well."

The youngest daughter, Liz, born in 1963, never knew Cabrini-Green as anything other than what it is today, a high-rise jungle, though she maintains she never thought of it as a particularly dangerous place to live.

"I know this sounds silly," Liz says, "but Daddy kept such strict control over us that I got all the way through high school before I realized gangs were a real problem in the project. He just never let us go even near the high-rises. We had to ask permission to just go a block down the street to buy an ice-cream cone."

"Johnny kept the kids on a pretty short leash," Mrs. Watson says. "We didn't demand that they do well in school, but we demanded that they be in the house at night, studying. Even in the summer, if there was no school, Johnny wouldn't let the kids play on the sidewalk in front of the house with the other neighborhood kids unless either he or I was out there watching. It wasn't just life in the projects. Both Johnny and I were raised that way."

But along with their strict vigilance, the Watsons also filled their children's lives with as much intellectual stimulation and cultural enrichment as they could provide. The memories each of the six children have of their home life glow with stories of parental love and support.

While his father was the disciplinarian, Tony Watson says it was his mother who, by example, pushed her children to do well in school. "Mom was always reading something, and every day she was doing crossword puzzles and doing other things to improve her mind," he says. "She was always making us practice speaking and penmanship, and she was always there to help us with our homework. If she didn't know an answer to one of our questions, she was in the library the next day to find it. I think of that every day, even now."

Barbara, the oldest of the daughters, remembers her mother as always looking for cultural-enrichment programs, scholarships and study grants for her children. She was always willing to get on a bus and spend a day scouting schools and colleges that offered such programs.

"Growing up, I had the same experiences as little white girls did," says Barbara. "I took dancing lessons and went to summer camp every year. One thing Mama and Daddy always made sure of: They always had time for each of us individually. It seems old-fashioned now, but dinner time was always family time. The television was always off, and we talked."

Whatever Johnny and Virginia Watson did to nurture their kids, they did it well. Blessed with bright minds, all six of them did well in school. Both Tony and Liz skipped two grades in grammar school and entered Lane Tech High School at age 12. For Tony, it was first foray into a larger world where he was expected to compete with an overwhelming majority of whites. Very few blacks were going to Lane Tech in the early '60s, and racial tension was not

terribly high, but somebody spat on Tony as he walked into Lane on his first day of school.

He was then only 12, but Tony had the maturity to rise above the affront. Ignoring his attacker, he calmly walked into the building, washed and settled in. In the ensuing days and years, he applied himself to his classes and went out for football, eventually becoming a star varsity offensive end. Academically, he graduated with a B average in the school's elite honors program, which was then limited to 40 students.

Norman Bannor, his freshman/sophomore football coach, became a father figure and sort of mentor, a man Watson often cites as another positive influence in his life.

"There weren't many blacks at Lane when he was with us," says Bannor, "but he was the kind of kid who could fit in with anybody. He was young, but he was big enough to hold his own, and he always had a lot of desire. He had a good pair of hands and was smart, so he did very, very well in our football program. He was tough when he had to be, and he took his licks, breaking his collarbone on the last play of the season when he was a sophomore, but he was very teachable and serious. Everybody liked him. I retired in 1985 after 37 years of teaching. You begin to realize that the thing—the bonus—a teacher works for is to have a student go on to succeed in life and come back and tell you that you did something for him that helped him to succeed. Tony means a lot to me."

Impressed by his high school record, youth workers in the Lower North Youth Center at Cabrini-Green chose him as a candidate for admittance to the U.S. Naval Academy. Watson's name came up third from the top in Rep. Sidney Yates' list of Annapolis candidates in 1966. The first one on the list failed his physical examination. The second candidate did not get a high enough score on his SAT test. Watson did well in both tests and won the appointment.

Watson was more than a little afraid when he started out at Annapolis. Competing against the best at Lane Tech was one thing; competing against the best at the naval academy was another, particularly when there were only 12 blacks in the entire school of 4,800 midshipmen.

"I think people thought that being black and from a poor, inner-city housing project, I wouldn't have the sort of cultural background to succeed at Annapolis," Watson says, "I know that I worried about it. I suppose I thought most of these guys came from well-to-do families and were refined and knowledgeable about the ways of the world that I had never been exposed to."

He was assigned to a room with a white plebe from Texas who, apparently in all innocence, kept telling stories about "niggers" he knew back home. Watson is uneasy when it comes to talking about racism and glosses over such incidents as noncommittally as possible.

"I don't think he even realized that it hurt me," he says of that roommate. "But after a day of it, I decided to straighten him out, to let him know that 'nigger' was not an acceptable word in my vocabulary."

Whatever means of persuasion he used, it worked, he says, and he and his roommate became friends. The Texan, however, soon dropped out of the academy, while quiet, affable Tony Watson from Cabrini-Green stayed on and was elected president of the freshman class.

The academy's superintendent was Adm. Draper Kauffman, and early in Watson's first year, the admiral and his wife invited some of the student leaders for an informal gathering at their home. Tony, as president of his class, was one of those invited. The tall, then-gangly youth was already beside himself with nervousness at the reception when disaster struck. In an awkward moment, he spilled his cup of deep-red punch down the front of his dress-white uniform.

Mrs. Kauffman saw the accident, Tony says, and immediately came over to put him at ease. The admiral, too, came over and began to talk with him, and before the reception was over, Tony had a new mentor in his life—one, Watson would later say, who was "surely committed to racial equality."

Draper Kauffman was a rarity in the Navy of 1966. An officer who made his mark as a demolition expert and founder of the Navy's elite frogman program that was the forerunner of the Seals, he was one of the most decorated American warriors in World War II. But he was also a man ahead of his time, a man whose conscience was stricken by the Navy's overt racism. Until then, only a few from America's minority groups had ever risen above such traditionally lowly Navy slots as stewards and mess attendants.

Through his career, Kauffman had always tried to use his influence to break down racial barriers whenever and however he could. During his tenure as Annapolis superintendent, he took special care to counsel and encourage a few black midshipmen who made it there, among them Tony Watson.

"Annapolis is a very demanding place scholastically, a place where you don't get much beyond a C average unless you apply some enthusiasm," Watson says. "Adm. Kauffman was always inspiring me to work harder, to achieve something. I was really afraid I couldn't hack it there, and I worked my hind end off to keep up to flank with the other guys. I ended up getting a 3.7 (out of possible 4) grade-point average at the end of my first year."

The Navy apparently expected Watson to put his football skills to use at the academy, and he did turn up for freshman football. "I was tall enough, but I wasn't all that big then," he says. "I took one look at most of the guys out for football and realized they could just as well have been turning out for Notre Dame. They were really big guys, much bigger than (the guys) in high school, and I figured I didn't want to keep running into that kind of wall."

Instead, Watson turned his interest to the mandatory physical-education course in boxing under the academy's legendary coach, Emerson Smith. Watson wasn't particularly good at it at first, he says, but the individual nature of boxing appealed to him, and he quickly made it his sport at the academy. Oliver North and James Webb, who later became Secretary of the Navy, were Annapolis upperclassmen then and outstanding boxers who helped train Watson as he began learning the pugilistic arts.

"North was an outstanding boxer, and he taught me a considerable amount," Watson says. "Webb was smaller than me, but we once fought against each other in a match. I never though I would beat up on the future secretary of the Navy, but I did."

"I knew nothing about Tony's background when he was in his first class under me," says coach Smith. "I had a responsibility to put all midshipmen through the program, and he was just another face. He wasn't highly visible as far as ability goes. He certainly wasn't a natural. What made me notice him eventually was that he was able to work very, very hard, with great determination. That made a great difference in him. He became well-known eventually at the academy and highly respected for his boxing prowess."

In 1968 Adm. Kauffman left the academy for a new assignment. At the change-of-command ceremony, he presented his ceremonial sword, which had been worn before him by his father, also a U.S. Navy admiral, to Watson. In doing so, he told the midshipman to give it to the first officer to become Annapolis superintendent from the classes Kauffman had presided over at the academy. "I'm giving it to you," the president Kauffman told Watson, "because I believe you will be the one."

Watson's fear of failing in head-on competition with whites disappeared at Annapolis. By the time he graduated in 1970, ranking 153d scholastically in a class of 838, he had compiled an enviable record. He was a battalion boxing champion four years running and was class president in his freshman and sophomore years. He won the top leadership award in his class as a junior, when he also was made brigade commander. As a senior, he was made regimental commander, the highest military rank attainable by an Annapolis student.

Tony's success was the source of unimaginable joy and pride to the Watson rowhouse back at Cabrini-Green.

"Tony was the poorest boy at the academy, but I bet he got one thing more than any of the other midshipman," says his mother, who still glows with the memories. "He got MAIL! I was sending him letters and packages of food all week long. That first time he came home in his uniform, I can't tell you how proud we were. Yeah, those were some good days. He was succeeding. Tony would never tell us what he was doing until it was an accomplished fact, like, 'Oh, yeah, by the way, Mama, I was made class president.' "

Watson upon graduation decided to become a submariner, which meant beginning rigorous schooling in October, 1970. Ever mindful of where he came from, he convinced the Navy to let him spend the summer between his graduation and submarine school at home. He wanted to do what he could to convince kids in Cabrini-Green that they too, could compete successfully in the world outside the project.

Two days after Ens. Watson arrived home, on Friday, July 17, 1970, Sgt. James Severin and Patrolman Anthony Rizzato of the Chicago police were shot to death by snipers as they walked across Seward Park in Cabrini-Green. Over-night whatever shreds of civility had remained at the project were ripped apart. Helicopters hovered above as squads of police went from apartment to apartment in search of the killers. Dozens of innocent people were caught in the fury of emotions. Johnny Watson was arrested and thrown into jail two days later during a Sunday-morning police sweep as he walked his dog on the way to pick up the Sunday newspapers.

Although the killers, two street-gang members, soon were arrested and later convicted, it was a watershed event for Cabrini-Green, a turn for the worse that stigmatized the place as never before, a stigma that has never been erased.

For Tony Watson that summer, the gloss of his achievements didn't seem so shiny. He was a man of some acclaim at the United States Naval Academy, but back home he was just another black deemed suspicious by whites. The experience didn't embitter him,

but it sobered him and perhaps hardened him to some of the realities of the Navy he was about to join as an active-duty officer.

The Navy, in 1970, was hardly a citadel of racial harmony. There were, in fact, so few black officers that the uniforms and insignias worn by Watson and other black officers might as well have been invisible. Whites, both officers and enlisted men, usually responded reflexively to Watson's color, not his rank, seldom profferring the standard salute or other gestures of protocol reserved for officers. Noting his color, they simply assumed he was an enlisted man, not an officer.

But 1970 was a watershed year for the Navy, just as it was for Cabrini-Green. Fortunately, however, it was a turn for the better, not for the worse, in the Navy.

In July of that year, Adm. Elmo Zumwalt became Chief of Naval Operations. The Navy he inherited was two decades behind the Army and the Air Force in terms of racial desegregation and equality. President Truman had issued an executive order on July 26, 1948, demanding equality of treatment and opportunity for all members of the armed services, but the Navy never really complied with it. On Dec. 17, 1970, Zumwalt issued new policy guidelines on "Equal Opportunity in the Navy" that ordered an end to discriminatory practices and set up a system of minority-affairs officers on every ship and naval installation around the world.

Watson soon found himself attending "Zumwalt Roundtables," which amounted to race-sensitivity-training sessions attended by naval personnel regardless of rank and race. Such sessions were ridiculed by many old hands, but the message began slowly to seep through the ranks.

Indeed, the message seeped through every Navy unit, including the Great Lakes Naval Training Center north of Chicago, where in 1970 Adm. Kauffman became the commanding officer, his last billet before his retirement in 1973.

Great Lakes then was a tinderbox ready to explode with racial conflict. Some of the problems arose from overt racism on the base and in the surrounding communities. The most serious came from landlords who refused to rent off-base housing to black personnel. Less serious but just as aggravating to blacks was the refusal of base commissaries to carry merchandise that catered to black lifestyles.

Kauffman met the problems head-on, ordering mess halls and base clubs to secure traditional black foods, getting commissaries to stock black cosmetics and periodicals and allowing bushy Afros for blacks along with longer hairstyles for whites and beards for everyone. Above all, he put all private housing that had refused to accept black renters in the past off-limits to all Navy personnel, whether black or white. The order caused some inconvenience to white Navy families that were forced to move to approved housing, but by giving black personnel equal access to off-base housing, it eased a great deal of the racial tension at the base.

Through it all, Kauffman worked closely with black enlisted men and officers and sought the advice of black community leaders in the area. Among them was Rev. Fowler of Chicago's Third Baptist Church, who soon became a lifelong friend of the Kauffmans.

In contrast to his early years in the service, it isn't often nowadays that Watson is mistaken for an enlisted man because he is black. Black officers now are relatively commonplace. Six percent of all naval officers are black, and the Navy is running an aggressive campaign to eventually at least match the Army officer corps, which is 10 percent black.

Charles Moskos, a Northwestern University sociologist whose special interest is the military, points out that the armed forces today are probably better integrated racially than any other segment of U.S. life. In 1985, for instance, blacks accounted for 30 percent of all Army personnel, 20 percent of the Marine Corps, 17 percent of the Air Force and 13 percent of the Navy. Since officers are executives, no other segment of American society can come close to the record of the military in granting blacks authority and responsibility over white subordinates.

The military, in fact, has become a platform for black veterans from which to enter better-paying civilian jobs. Thousands of black officers and NCOs now retire from the military each year. They carry with them skills and leadership experience eagerly sought by private companies trying, as the military did much earlier, to desegregate its middle- and upper-level management ranks.

Watson himself couldn't ignore the lure of higher pay in private industry. In 1983 he left the Navy for a high-level executive position with a private power company in Washington, D.C. It was interesting and challenging, he says, but about a year after leaving the Navy, he took some friends to a submarine base to show them what he used to do.

"I took them down the hatch, and I was just about overcome when I smelled the old smells," he says with a sheepish laugh. "I realized what a mistake I had made. As corny as it sounds, the Navy is an adventure, and I decided I was still too young to give it up. I've never liked an office yet that wasn't on a submarine."

If there is such a thing, you could call Watson a yuppie warrior. When he isn't at sea playing cat-and-mouse with the Soviet navy for six months at a stretch, he is at home in Norfolk, lovingly restoring a Victorian townhouse in one of the city's most historic areas. He and his wife, Sharon, director of the labor-law division of the Virginia Department of Labor, moved into the integrated, gentrified neighborhood with their daughters, Erica and Lindsay, when he reentered active duty in 1984.

It has been nearly two decades since the summer that Tony Watson spent at home in Cabrini-Green after graduating from Annapolis. For Cabrini-Green and for the Navy, they have been critical decades. The Navy confronted and to a large degree surmounted the racial problems that were prevalent in 1970. But Cabrini-Green has not fared so well, its problems ignored to the point that they have festered and compounded into something worse. There are children in the project with intelligence and talents that would match those of the Watson kids two decades ago, but the barriers facing them may be higher than ever.

"That is something I—and a lot more people—have to do in the future—to get out and reach as many of these kids while they still have a chance, in high school and even before high school," Watson says. "Many of these kids have no hope. You can't dream if you can't see that anybody from here has done anything.

"We need to tell kids there is something on the other side of the mountain. If they could see it, they just might try to climb it. But they don't know what they don't know. A lot of them just don't know there is another side to the mountain."

Blessed all along with good mentors, Watson now feels a responsibility to do some mentoring himself. Within a year of taking command of the Jacksonville, he improved the re-enlistment rate of his crew from 39 to 74 percent. Throughout his career he has pushed his best enlisted men, whatever their race, to consider officer training. Seven who followed his advice were blacks.

Outside the Navy, he often speaks to high school audiences, pitching both for the Navy and for engineering careers, a field in which blacks are relatively underpresented.

Last May he shared top billing as the main speaker with Mayor Richard M. Daley at the Lane Tech's Memorial Day observance. Within minutes of meeting the mayor, Watson had elicited a promise from him to attend an athletic tournament he is helping to stage at Cabrini-Green July 15. Though sometimes uncomfortable with talking about himself and his own accomplishments, he proved once again, at Lane Tech, to be a public speaker of astonishing power. In a performance that few orators can match, he quickly silenced several thousand fidgety high school students into rapt attention. In a patriotic speech that included an account of the death in Vietnam of a Lane Tech classmate of his, he moved many of the students to tears in a consideration of the meaning of wartime sacrifice.

When he visits Chicago, as he tried to do several times a year, Watson always stays with his mother in her rowhouse. He is one of a number of Cabrini-Green alumni who keep coming back, attempting to reach as many kids as they can before the gangs get to them. Watson is a supporter of the Alvin Carter Youth Foundation, an after-school tutoring and sports organization in the project that has succeeded in getting dozens of dropout-prone kids through high school and sending a few of them each year to college.

But what is most important is talking to the kids themselves, he says. During the dedication service for the Peggy Kauffman Friendship House at the Third Baptist Church, Watson says, "This little boy from Cabrini-Green was more afraid than I had ever been in his life the day he arrived at the naval academy." Then, referring to the sword Adm. Kauffman gave him, he says: "Twenty-one years later, I still have that sword, and I'm running as fast as I can to get back to the academy before any of my classmates so that I can keep it. I still believe I can be whatever I want to be, just as you can be. You just have to kick down that door of fear first, the one that you think is blocking the path to your dreams. Just kick it and open it a crack, then keep it open."

After the service, back at Cabrini-Green, Watson just as he always does when he's home, wanders around in his uniform, just talking to the kids. He tries to dazzle them with his experiences, with stories of what his job is, the places he has been, the people he has met.

On a recent visit home, he stops to talk with two boys who live near his mother, 13-year-old twins whom he has gotten to know over the years. They complain to him of the nightly noise made by the "cappers," or snipers, who shoot at one another from the upper stories of highrises across the street from their home.

"You can go to places like South America, Europe, Japan, the North Pole just like I have," he tells the boys, whose studied non-

chalance never quite masks their awe of him. "You can be in charge of other men, just like I am. All you have to do is decide that you want to do it and work for it. If either of you manages to get on the honor roll by the time I get back here again, I'll get you out to Norfolk myself and show you what I mean."

"I don't want no football stars, basketball stars or track stars," he continues, dropping into the argot of the projects. "That stuff is okay, but as you get older, it doesn't mean nothing. I want brain stars. Mind stars. What you want to work for is the academic thing, something you can use all of your life.

"You don't have to be no cappers. You can be captains, like me."●

THE ARMENIAN GENOCIDE

● Mr. REID. Mr. President, when future generations read the history of the 20th century, I wonder what they will think of the human misery.

April 24, 1990, represents 75 years since the beginning of just one of those miseries—one that many people would like to deny: the Armenian genocide.

From 1915 to 1923, 1½ million Armenians were killed, and another half million were forced to leave their ancient homeland. To my knowledge, this was the first time in history that the wholesale, systematic elimination of a people became part of a national policy.

This planned extermination perpetrated by the Ottoman Empire against the people of Armenia became a model for the remainder of the 20th century: Hitler, Stalin, Mao, Pol Pot.

But the history of the 20th century may also be read by future generations as a history of denial. Hitler said it best: "Who remembers the Armenians?" Who remembers the Ulrainians? Who remembers the Tibetans? Who remembers the Cambodians? There are even those who would still deny the Jewish Holocaust in Europe.

We have practiced a great deal of denial in this town lately. The Chinese massacre prodemocracy students in Tiananmen Square, and we send high level diplomats to toast their leaders. The Khmer Rouge exterminated over 1 million Cambodians, and this administration strongly supports Prince Norodom Sihanouk who wants to include the Khmer Rouge in a coalition government.

The Ottoman Turks kill 1½ million Armenians, and we say it did not happen. We worry that the Turkish Government will not buy our weapons.

It is right and fitting that we do commemorate the Armenian genocide. It happened. If we forget it happened—if we deny it—genocides will continue to happen. To paraphrase the poet: It is a small world; there is nothing one man will not do to another.●

DEPARTMENT OF THE ENVIRONMENT ACT

● Mr. SARBANES. Mr. President, I rise in support of S. 2006, to create a Department of Environmental Protection in the Executive Cabinet. As a cosponsor of this measure, I am pleased that the House of Representatives has voted overwhelmingly to pass the companion to S. 2006, and that the Senate Committee on Governmental Affairs has reported it without opposition. I remain confident of the prompt consideration and passage of this measure in the Senate.

Elevation of the Environmental Protection Agency to Cabinet status is an important step which is long overdue. There are few matters as pressing as the need to protect our air and water resources, to preserve the delicate natural balances of the Earth's climate and ecology, and to place our economy on a sound, sustainable footing. This measure recognizes the increasing importance of coordinating and implementing strong and effective environmental policies which address the many serious threats to the public health posed by environmental degradation.

As we enter the final decade of the century, many of our most serious environmental problems have become international in scope, and require close cooperation between nations. The United States is among the last industrialized nations which have not established a top-level ministry for environmental policy, undermining the EPA Administrator's authority to negotiate international environmental agreements with representatives of other nations. During last summer's economic summit in Paris, the inclusion of environmental matters as a topic for deliberation set the summit apart from the 14 that preceded it. In fact, EPA's participation at the summit reflects a profound shift in our approach to environmental issues, and by placing the agency on an equal footing with the other major Cabinet Departments, we further recognize the increased importance of environmental concerns in the formulation of national and international policies.

Mr. President, protection of our ecological resources, development of new technologies to permit continued economic growth, and international cooperation on environmental matters requires strong commitment and leadership. This legislation is an important step toward the development of a more comprehensive and coordinated approach to environmental conservation issues. I am pleased that the House has acted expeditiously on legislation to create a Department of Environmental Protection and urge my colleagues in the Senate to support this important measure when it comes before the full Senate for debate.●

DISTRICT OF COLUMBIA'S BUDGET PROCESS

● Mr. GLENN. Mr. President, lately there has been some confusion over the Federal Government's influence on and contribution to the budget of the District of Columbia. I would like to take a few minutes today to outline for my colleagues how the District's budget is set and what role the Federal Government plays in that process.

Pursuant to the District of Columbia Self-Government Act (Public Law 93-183), the Mayor's office each year draws up a budget and submits it to the City Council. The Council votes on what to keep and discard from the Mayor's budget and then returns it to the Mayor for submission to Congress.

Here in Congress, the entire budget is treated as an appropriation in both Chambers. And, as is the case for any appropriations bill, final approval of D.C.'s budget requires passage in the Senate and House and the President's signature.

Though Congress and the President exercise their power to appropriate all funds in the District's budget, the Federal contribution—or "Federal payment"—is only a small percentage of the money appropriated (14 percent in fiscal year 1990). The lion's share of the District's revenue is raised from local property, income, and sales taxes.

The Federal payment was established with the city of Washington, DC, in 1800. The payment is compensation for the unique requirements and restrictions placed on the District of Columbia by the Federal Government and for the unique services rendered to the Federal Government by the District of Columbia.

Up until 1925, the Federal payment was set by formula. Since then, the Federal Government and the District have negotiated each year over a lump-sum amount. This year, the President has recommended that the District receive $430.5 million or 12.9 percent of the District's estimated fiscal year 1991 budget.

The relationship between our Federal Government and the District of Columbia is singular. Congress and the administration have chosen to keep control of the entire local budget—those moneys received from the U.S. Treasury as well as those raised locally. I believe that with this decision comes responsibility—the responsibility to understand and respect from what sources the funds we appropriate derive. This brief statement is meant as one step toward fulfilling that responsibility.●

THE GREENVILLE NEWS EDITORIALIZES ON CONGRESSIONAL TERM LIMITATION

● Mr. HUMPHREY. Mr. President, many argue that experience is neces-

sary to legislate effectively. It is important, however, to maintain the distinction between experience and seniority. The reason experience brings legislative effectiveness is because tenure brings seniority. The longer you stay, the more power you command.

And what constitutes "effective legislating?" Today, the average tenure of a committee chairman in the House is 26 years, and in the Senate 20 years. Certainly a quarter of a century must constitute experience. Yet our Nation struggles under the burden of a $3 trillion deficit. Simultaneously, we are constantly bombarded by stories of pork barreling, waste, and imprudent spending. We are not using our experience to legislate effectively.

Mr. President, experience has bred an unresponsive, unrepresentative Congress that busily entrenches itself rather than represents its constituents. I ask that an editorial published on February 26, 1990 in the Greenville News of Greenville, SC be printed in the RECORD immediately following my remarks, and I urge all Senators to take note.

The editorial follows:

[From the Greenville News, Feb. 26, 1990]

PUBLIC INTEREST GROWS IN 12-YEAR LIMITATION

Washington is practically crawling with interest groups that support particular members of Congress financially and by voter networking, who in turn support the funding and policy goals of the groups. This is one way members of Congress become entrenched in office, and it is one reason House members, for instance, have established a 98 percent re-election rate.

Americans to Limit Congressional Terms, as the name implies, is not such a group. It is devoted to the less charitable mission of enacting a constitutional amendment that would bar all members of Congress from serving more than 12 consecutive years in office.

The idea isn't radical. The president is limited to two four-year terms. Limiting senators to two six-year terms and representatives to six two-year terms would restore a needed balance to what is too often a veto-proof spending machine on Capitol Hill.

Two South Carolinians, former 5th District Rep. Ken Holland and former 1st District Rep. Tommy Hartnett, are among the 33 former members of Congress who endorse the 12-year limitation. They are in overwhelmingly good company. A Gallup Poll last month found that 70 percent of a nationwide sample of American voters agree with the limitation idea.

This is why, after only a few months' effort by the limitation group, legislative resolutions are already pending in 10 states calling on Congress to initiate the needed amendment to the U.S. Constitution.

Arguably, it offends good political theory to limit the candidate choice of voters in any way. And there is also concern that congressional staff could become more entrenched and powerful in association with congressional turnover. But still shabbier politics is evident in the prevailing practice of veteran House and Senate members who use their office to stay in office by abusing their free-mail privilege, cornering PAC contributions and favoring various collections of narrow interest groups.

As public concern and interest about this issue grows, it may well be that many challengers and sensitive incumbents will voluntarily pledge to seek election for only 12 years.●

SIMON WARNS WHITE HOUSE ON LITHUANIA

● Mr. SIMON. Mr. President, I would like to take a moment to discuss the crisis in Lithuania. Our foreign policy is most successful when the President and Congress act in unison. In a situation like this, Congress usually tries to lend broad support for the President's policy, and so far Congress as a whole has been supportive.

But now that the Soviet Government has cut off virtually all fuel supplies, that unity is less firm. For Congress and the President to act in unison, the President must exert stronger leadership. The President should make it clear that neither economic coercion nor violence are acceptable, period. We should be stronger in urging President Gorbachev and President Landsbergis to sit down and work out an acceptable plan for independence. Yet Moscow has chosen to squeeze the Lithuanians and refuses to meet with Lithuanian delegations. The Lithuanians are being punished for their efforts to regain their independence.

I sense that my colleagues in Congress are as uneasy with a policy of inaction as I am. We should not raise false hopes, but if the Soviet energy blockade continues, if there are no good-faith negotiations with the Lithuanian people, then it is my guess that Congress will lead if the President does not. We ought to say plainly to the Soviet leadership: "This blockade must end." If progress in United States-Soviet relations is to continue, Moscow must promptly begin talking with Vilnius, not at Vilnius.●

1990 NEW JERSEY PRIDE AWARDS

● Mr. LAUTENBERG. Mr. President, in 1985 the New Jersey Pride Award program was established to recognize outstanding individuals who have made many lasting contributions to our State. On May 3 the sixth annual ceremony will be held to honor the 1990 recipients. I want to pay tribute to each of them.

Samuel C. Miller, director of the Newark Museum is being recognized for his contributions to the arts. For over 20 years, Sam has been at the helm of the museum, and under his guidance, it reopened this year after a $20 million renovation. Sam said that he gave a great deal of thought to whether an expensive renovation was justified when there are so many poor and homeless in Newark. But he felt that the money for the museum renovation would give young people an opportunity to learn about the past. Today, thanks in part to Sam's efforts, the Newark Museum is flourishing, and has attracted the art of many private donors.

Eugene Heller, president of Hartz Mountain Industries is this year's economic development honoree. Hartz has developed more than 3 million square feet of commercial, warehouse, retail, and residential space in over just 20 years.

Hartz' waterfront projects, Lincoln Harbor and Independence Harbor have helped redevelop the Hudson River coast in New Jersey. Projects overseen by Gene have increased employment, revived the economy, and instilled pride and encouraged development in our State. His interest in transportation has encouraged many services; including subsidized buses, new highway ramps, bridges, a commuter rail station and re-establishment of commuter ferry services between Hoboken and lower Manhattan.

In the field of Education, Dr. T. Edward Hollander, chancellor of the New Jersey Department of Higher Education is being honored. Since 1977, Ted has led education initiatives to enhance the teaching of technologies and science, and to promote interest in the arts and humanities. He implemented former Governor Kean's "excellence initiatives" program for New Jersey's colleges and universities. During his tenure, the county and State colleges have been strengthened and both Rutgers—the State University, and the University of Medicine and Dentistry have flourished. He has made many lasting contributions to our State's higher education system.

Candace McKee Ashmun, president of the Association of New Jersey Environmental Commissions, is being recognized in the field of energy and environment. She has been instrumental in integrating the consideration of natural resources into the State planning and regulatory system of New Jersey. She is a member of the Pinelands Commission, the State Planning Commission, and the Governor's Council on the Outdoors.

In addition, she has been a director of the Upper Raritan Watershed Association, a member of the New Jersey Natural Resources Council, and a member of the board of trustees of the Middlesex-Somerset-Mercer Regional Study Council.

Dr. Joseph J. Amato, director of pediatric cardiovascular surgery at Childrens Hospital of New Jersey is the recipient of the New Jersey Pride Health Award. This year Joe marked the 10th year of the pediatric cardiovascular surgery program and the admission of the program's 2,000th patient.

Under his direction, New Jersey's only comprehensive neonatal and pediatric care center has become a leading facility in the Nation for the treatment of children and infants with heart disease.

In the field of Science and Technology, inventor Jerry H. Lemelson is being recognized. I understand that Jerry has received more patents than any other active American inventor. This unique individual invented the drive motor used in tape recorders and one of his most recent inventions is a thermometer originally developed for the blind. He is proof that the spirit of invention—the spirit of Edison—is alive and well in New Jersey. Jerry Lemelson, moreover, is committed to the public policy changes necessary to assure the development of future generations of inventors.

Basketball coach, P.J. Carlesimo is the winner of the Sports and Recreation Award. He helped transform Seton Hall into a national power in collegiate basketball. He led the Seton Hall Pirates to the NCAA finals last year, and back to the NCAA tourney again this year.

Terrance and Fay Zealand, founders and executive directors of the AIDS Resource Foundation for Children are recipients of the Social Services Award. Founded in 1987, their organization is dedicated to meeting the needs of children afflicted with AIDS and to lend support to their families. Since its founding, it has helped to open three transitional care facilities.

These facilities provide a home-like setting for children under 6 years old, considered healthy enough not to require hospitalization for the disease. Support services are available for the patients and their families and there is training for foster parents and volunteers. The Zealands have done much to help AIDS' most vulnerable and innocent victims.

Daniel Gaby, chairman of Keyes Martin is being recognized for his contributions to community development. Dan is an advocate for children and is especially interested in helping economically and disadvantaged urban youth. He has given of his time to design and implement many programs for businesses to use to assist the disadvantaged.

He has helped increase awareness in the corporate world of the needs of our State's youth. Dedicated to helping New Jersey's children and adults, he inspires hope that through education and economic opportunities they can have a bright future.

I am also proud to congratulate former governor Tom Kean, the 1990 recipient of the Publisher's Award for Excellence in Public Relations for the State of New Jersey. His campaign, "New Jersey and You—Perfect Together" was a successful one in promoting tourism in our State.

These individuals, outstanding in their fields have made many contributions to our State. I am proud to pay tribute to them, and extend to each my heartiest congratulations on their achievements and my very best wishes for continued success.●

SUMTER, SOUTH CAROLINA SALUTES "HUGO HEROES"

● Mr. HOLLINGS. Mr. President, last autumn, Hurricane Hugo smashed into South Carolina, leaving a path of destruction like nothing seen in my State since the Civil War. In previous floor statements, I have saluted the many heroes to emerge in the wake of Hugo: courageous individuals, public servants who rose magnificently to the occasion, corporations that pitched in with donations and private relief initiatives.

I rise today to report to the Senate on a remarkable expression of gratitude by the people of Sumter, SC, addressed to the countless volunteers from around the Nation who helped get the State of South Carolina back on its feet in the wake of Hugo. This week—which, incidentally, is National Volunteer Week—the people of Sumter will dedicate a living monument to honor the thousands of "Hugo Heroes" who gave so abundantly of their time, energy, and money in the aftermath of the storm.

The idea of creating Volunteer Park was originated by "Volunteer Sumter," a United Way Agency. The project has been embraced wholeheartedly by the people of Sumter, and finally comes to fruition this week. It truly has been a community project. Citizen volunteers cleaned the lot and drew up site plans. Neighboring Shaw Air Force Base provided manpower from their Civil Engineering Squadron to build a gazebo. Sumter garden clubs and master gardeners have planted trees and shrubs and flowers. It is a beautiful and eloquent expression of thanks.

I salute Volunteer Sumter and the entire Sumter community for creating this magnificent park to honor the aptly named "Hugo Heroes." These heroes lent a helping hand to the people of South Carolina at our time of greatest need. On behalf of the entire State, the people of Sumter this week are saying "thank you."●

THANKS TO TEACHERS

● Mr. SASSER. Mr. President, I rise today to pay tribute to an important program that honors one of America's greatest resources—its teachers. The program is simply and aptly named "Thanks to Teachers."

The sad fact is, we don't say thanks to our teachers often enough. It is the least we can do for the people who play such a crucial role in our society. Our children hold the key to the future, and our teachers hold the key that can open their young minds and make them the kind of parents, workers, and leaders we will need in the 21st century.

The Thanks to Teachers Program does more than just express gratitude for a job well done. It encourages a partnership between classroom teachers and businesses, parents and community leaders. For example, the upcoming national symposium sponsored by the Thanks to Teachers Programs will provide a national forum for teachers and business leaders to discuss school reform policies. The results of the symposium will be distributed to legislators, school policymakers, and media across the country.

This Friday night, Thanks to Teachers will sponsor an awards reception in Memphis where five local winners of a national competition will be honored. Those chosen must have shown outstanding dedication to their profession and their students. They will have an opportunity to attend a Washington leadership institute where they can share their classroom experiences with other teachers from around the country.

I want to take this opportunity to congratulate those Memphis winners in advance. They represent the best in their profession. Along with everyone who participates in this important program, I express my thanks to them for a job well done.●

ORDERS FOR TOMORROW

RECESS UNTIL 9:30 A.M.; MORNING BUSINESS

Mr. BYRD. Mr. President, I am authorized by the majority leader and the Republican leader to proceed with the following requests.

I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. Thursday, April 26, 1990, and that following the time for the two leaders there 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. I further ask unanimous consent that the Senate resume consideration of H.R. 4404, the supplemental appropriations bill, at 10 a.m.

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

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the order previously entered that the Senate stand in recess until the hour of 9:30 tomorrow morning.

The motion was agreed to and, at 6:43 p.m., the Senate recessed until Thursday, April 26, 1990, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 25, 1990:

DEPARTMENT OF STATE

PETER JON DE VOS, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LIBERIA.

DEPARTMENT OF JUSTICE

JAMES J. WEST, OF PENNSYLVANIA, TO BE U.S. ATTORNEY FOR THE MIDDLE DISTRICT OF PENNSYLVANIA FOR THE TERM OF 4 YEARS VICE DAVID DART QUEEN, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. MONROE W. HATCH, JR., xxx-xx-xxxx U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, UNITED STATES AIR FORCE AND APPOINTMENT TO THE GRADE OF GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601 AND SECTION 8034:

To be general

LT. GEN. JOHN M. LOH, xxx-xx-xxxx U.S. AIR FORCE.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. JOSEPH J. WENT, xxx-xx-xxxx, USMC.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. WILLIAM G. CARSON, JR., xxx-xx-xxxx/9903 USMC.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CHARLES H. PITMAN, xxx-xx-xxxx, USMC.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. DAN B. BELCHER, xxx-xx-xxxx 2/8/90
MAJ. WILLIAM T. CLAYTON, xxx-xx-xxxx 2/14/90
MAJ. JEFFREY A. DAVOLL, xxx-xx-xxxx 1/31/90
MAJ. JOHN E. FRANK, xxx-xx-xxxx 2/6/90
MAJ. MARVEL J. GALLENTINE, xxx-xx-xxxx 2/4/90
MAJ. MARK L. HETTERMANN, xxx-xx-xxxx 2/6/90
MAJ. MICHAEL J. HILDER, xxx-xx-xxxx 1/13/90
MAJ. RICHARD J. MIDDLECOFF, xxx-xx-xxxx 12/13/89
MAJ. WAYNE R. MROZINSKI, xxx-xx-xxxx 1/20/90
MAJ. CARL NAGEL III, xxx-xx-xxxx 2/4/90
MAJ. JOHN E. OGDEN, xxx-xx-xxxx 2/5/90
MAJ. MICHAEL J. PIERON, xxx-xx-xxxx 1/31/90
MAJ. BRADLEY S. SHARPE, xxx-xx-xxxx 2/2/90
MAJ. BENTON M. SMITH, xxx-xx-xxxx 2/21/90
MAJ. WILLIAM C. THOMAS, xxx-xx-xxxx 1/6/90
MAJ. DONALD W. WATSON, xxx-xx-xxxx 2/20/90
MAJ. HAROLD E. WHALEY, xxx-xx-xxxx 1/13/90

MEDICAL CORPS

To be lieutenant colonel

MAJ. MOHAMED ZIAUDDIN, xxx-xx-xxxx 1/23/90

NURSE CORPS

To be lieutenant colonel

MAJ. BONNIE J. NOLAN, xxx-xx-xxxx 2/3/90

DENTAL CORPS

To be lieutenant colonel

MAJ. RONALD STANICH, xxx-xx-xxxx 1/7/90