SENATE—*Monday, July 29, 1991*

(Legislative day of Monday, July 8, 1991)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

PRAYER

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

Let us pray:

Righteous God, the Word of Jesus concerning the source of evil provides a penetrating insight into human nature: "* * * those things which proceed out of the mouth come forth from the heart; and they defile the man. For out of the heart proceed evil thoughts, murders, adulteries, fornications, thefts, false witness, blasphemies. * * *"—Matthew 15:18, 19.

We take our intellects more seriously than the deeper drives within us. We think much about advancing our knowledge, very little about maturing the heart. Yet, as we hear these words, we know instinctively they are right. The evil we say or do is born from within us.

Patient God, give us grace and wisdom to pay more attention to our conscience that we may appropriate the gracious gift of the Holy Spirit who is able to generate within us "* * * love, joy, peace, patience, gentleness, goodness, faith, meekness, temperance * * *."—Galatians 5:22, 23.

Help us to see ourselves as You see us and to allow Your Spirit to do His work in our hearts.

In His name who said, "Blessed are the pure in heart." Amen.

RECOGNITION OF THE MAJORITY LEADER

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

FIFTH ANNIVERSARY OF TELEVISED SENATE PROCEEDINGS

Mr. MITCHELL. Mr. President, today marks the fifth anniversary of television coverage of Senate proceedings on a full-time basis. Since July 29, 1986, Americans have had the opportunity to watch gavel to gavel proceedings of the U.S. Senate on television.

The successful effort to bring live televised Senate proceedings into American homes began with the work of then-Majority Leader Howard Baker of Tennessee.

In January 1981, Senator Baker introduced legislation to provide for the broadcast of Senate proceedings.

That set the stage for 5 years of debate.

In 1986, after several prior attempts, the Senate, under the leadership of Senators BOB DOLE and ROBERT BYRD, approved this legislation.

The legislation took the form of a two-step trial process—first, to make broadcasts available only to House and Senate Office Buildings. A month later, public broadcasts began on a trial basis.

Finally, after these trial periods were deemed successful, the Senate, by a vote of 78–21, approved permanent televised coverage of its proceedings.

The 5 years of debate that preceded television broadcasting explored vigorously the changes that the medium might bring to Senate proceedings. But in a larger sense, those debates also explored the changes that the passage of time had already brought to the institution.

Modern communications, the modern Federal Government, and the demands of both have made the Senate different from the institution it was when it first convened 200 years ago.

Today, the demand for public accountability and open proceedings cannot be denied. No institution that wishes to preserve its credibility can deny the right of those on whose behalf it functions to see how it functions.

Americans, both as citizens and consumers, expect to know how the institutions of government work. They expect to be able to hold those institutions and the people in them to account.

American democracy, as a result, today includes pressures and demands undreamt of by the Founders of our system. But the ability of our institutions to meet the changing demands of the people demonstrates, yet again, the genius of the system they created.

The televising of Senate proceedings is only a small part of this process of change and growth. But this anniversary marks a significant step in a broad process that deserves to be noted.

In that connection, I also wish to commend the private industry efforts which are part of the process by which the operations of the Congress are brought to the home screens of the people.

C–SPAN, the privately funded network which carries both House and Senate broadcasts on separate cable channels, reflects the unique kind of private and public relationship which our system nourishes. C–SPAN stations provide more than 54 million Americans with the ability to watch their legislature in action.

Television is now a permanent fixture in Congress. I hope through this medium Americans continue to be educated about the legislative process.

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 PRESIDENT pro tempore. Without objection, the time of the two leaders will be reserved.

THE JOURNAL

Mr. MITCHELL. Mr. President, am I correct in my understanding the Journal of the proceedings has been approved to date?

The PRESIDENT pro tempore. The Chair will state it has not been approved.

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

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 12 o'clock noon, with Senators permitted to speak therein for not to exceed 5 minutes each.

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

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

FORCING ISRAEL TO GIVE UP LAND FOR PEACE IS WRONG—ADDRESS BY JAMES W. NANCE, U.S. NAVY ADMIRAL, RETIRED

Mr. HELMS. Mr. President, one of my countless blessings during my nearly three score and 10 years on this Earth has been my lifetime friendship

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

with Bud Nance, now a distinguished and brilliant retired Navy admiral. Admiral Nance now lives in McLean, VA. But both he and I are "Monroe boys" even though we are neither boys nor do we now live in Monroe, NC.

I think both of us were adults before it even occurred to me that his name is not Bud Nance. It is James W. Nance. I have many inspiring memories of Bud Nance, but if I had to pick the one that was the most inspiring, it was the day that he completed his tour of duty as skipper of an aircraft carrier, the U.S.S. *Forrestal*, and in a ceremony at Norfolk turned over the command of that enormous ship to his successor.

Mrs. Helms and I were there to pay our respects to a fine American, a true patriot with whom I walked to grammar school in Monroe years ago. Even as a little boy, Bud Nance already had the traits of character that signaled a certainty that he would be a decent, constructive, and courageous American. He is all that and more.

Bud Nance and I visit together frequently, in person and by telephone. A few months ago he mentioned in passing that he was preparing a speech that he had been requested to make about Israel.

Mr. President, some may wonder why this native of Monroe, NC, who is Scotch Presbyterian, a distinguished Navy admiral who describes himself as "an ultraconservative southerner," this deeply thoughtful citizen who insists that he "feels no special relationship toward any country except the United States"—why would Bud Nance be asked to speak on the State of Israel? It is a good question.

Mr. President, I will tell you why. Bud Nance, because of his career in the Navy, knows the Middle East like the back of his hand. But more important, Bud Nance is a deeply committed Christian and a student of the Holy Bible.

Bud told me about his speech, and I asked him to send me a copy of his remarks, which he did. After I had read it, the thought occurred to me that his conclusions about the Middle East peace process, now being pressed by Secretary of State Baker, should be made available to Senators and all others who read the CONGRESSIONAL RECORD.

For that reason, Mr. President, I ask unanimous consent that the text of the recent address by Navy Adm. James W. Nance be printed in the RECORD.

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

When we talk today about Middle East peace and security, we accept as facts:

(1) We must solve the Arab-Israeli problem.

(2) We must solve the Palestinian problem.

(3) The only way we can accomplish the first two objectives is for Israel to give up land for peace.

We automatically accept these things as being factual because the self-styled experts in the Administration and many in Congress repeatedly tell us they are facts.

To assess these "facts" from a military standpoint, Dr. Churba looked around for someone with no emotional involvement in the region—a Scotch Presbyterian, an ultraconservative Southerner, someone who feels no special relationship toward any country except the United States.

In essence, this is the reason Dr. Churba asked me some months ago what I thought of the "facts" used in the Middle East peace process now being orchestrated. In short, Dr. Churba wanted an unbiased, unencumbered assessment, and that is what I hope I have done.

In looking at the problem, I started right at the birth of the present state of Israel. On November 29, 1947, the United Nations approved the partition of the British Mandate of Palestine. The Arab states unanimously rejected this action.

Upon the withdrawal of the British and the establishment of Israel as a free state on May 14, 1948, the armies of five Arab nations invaded the new Jewish state on all fronts. The Jordanian army conquered the area on the western side of the Jordanian River which was later to be identified as the West Bank.

This area remained under Jordanian rule for 18 years until the Six Day War in 1967. (Incidentally, this annexation by Jordan was recognized by only two nations in the world—the U.K. and Pakistan. It was even opposed by the Arab League.) Isn't it interesting that the West Bank was never referred to as "occupied territory" until Israel took it back from Jordan in 1967 after the Six Day War? The question arises, if it wasn't "occupied territory" when Jordan had it, why is it now?

When we look at Israel, what are we really talking about? How big is that place? Relatively speaking, we know that West Germany is about the size of Ohio, East Germany is about the size of Indiana, Estonia the size of Delaware, Lithuania about the size of West Virginia, Poland about the size of New Mexico.

So how big is Israel? The entire state of Israel—including the West Bank, the Gaza Strip, and the Golan Heights—is smaller than the gunnery range at Nellis Air Force Base. On this land, we have jammed 4½ million people. Israel expects a million more immigrants within the new few years.

In relation to its size, Israel has the longest border that it absolutely must defend of any country in the world. With its pre-1967 borders or without the West Bank, Israel is only 9 miles across at its center close to Tel Aviv.

This is scarcely more than the distance from the Pentagon to Mount Vernon. A modern tank can traverse this distance in about 15 minutes. (In airplanes I have flown, it is impossible to make a standard rate turn at altitude and remain within the boundaries of Israel at this point.)

With the West Bank included, Israel is approximately 40 miles across at its mid-point. The City of Atlanta is more than 40 miles across. In this thin strip of Israel, running along the coast west of the West Bank, we have ⅔ of Israel's Jewish population and ¾ of their industry.

Now let's look at each of the occupied or disputed territories. If Israel went back to its pre-1967 borders, it would have to return the Golan Heights to Syria. Before the Six Day War in 1967, I went to a kibbutzim just at the foot of the Golan Heights. With binoculars, I looked up at Syrian tanks and artillery. Since I knew at that distance the Syrians could not tell a Gentile from a Jew, I was very uncomfortable.

The validity of my discomfort was well demonstrated in the war in 1973. In this war, hundreds of Syrian tanks succeeded in breaching the Israeli lines of defense because they had shelled and struck from the high ground. Israeli troops were pushed to within 12 miles of the sea in this, one of the wider parts of the country. Without the Golan Heights, the vulnerability of the northeast flank of Israel would be multiplied and the loss of Israeli lives in defending the area would also be multiplied.

Despite its relatively small size, the West Bank is the prime strategic defensive real estate in the area. Without the West Bank, most of the major population and industrial centers of Israel are easily within artillery range.

Obviously, the major strategic advantage of the West Bank to Israel is that it is a natural barrier to any attack on Israel from the east. The Judean Mountains and Samarian Ridge that run down the north-south axis of the West Bank afford complete domination of the area. Any attacking army from Jordan would have to cross the Jordan River, which is fordable in a tank in only a few places. In addition, any attacking army would have to climb from the lowest point on earth (at the Dead Sea) and the rift valley that runs along the Jordan River to the 3000 foot elevation of the West Bank Mountains.

With the West Bank, the Israelis have one of the world's best natural tank and armored vehicle traps. As contrasted to the eastern slopes of these mountains, which are very steep, the western slopes fall gently down to the heart of Israel. The kibbutzim and settlements that the Israelis have now, and the new ones being located on the West Bank, are all strategically located to give advance warning of attacks, allowing more time for Israel to mobilize its reserves, thereby increasing Israel's security.

Incidentally, over 40 percent of the water Israel has comes from underground aquifiers in the West Bank.

With the West Bank in Israeli hands, the border with Jordan is less than half what it was before. There are now 750,000 Palestinians living along the western slopes of the West Bank. During the years that Jordan occupied the West Bank, 382 terrorist actions were carried out from the area. This area helps offset the Arab's high numerical advantage in manpower, tanks, planes, and artillery.

The Gaza Strip is much less a strategic requirement to the security of Israel than the West Bank. However, before 1967, Israeli counterterrorist border patrols had four times the distance to cover than they have today—183 miles compared to 45 miles. During the period of 1949 to 1956, in a 7-year period, 460 terrorist attacks were launched against Israel from the Gaza Strip by some of the 480,000 Arabs living there.

As I studied the Mid-East and Israeli security, there were certain facts that stood out and dominated my conclusions:

(1) Israel must win any war it fights. Germany, Japan, France, England, Iraq, Egypt, and almost every other country in the world, have lost wars and survived. But if Israel loses a war to the Arabs, Israel will no longer exist. The Israelites lost a war 2,000 years ago and they were scattered all over the face of the earth. With the ability to kill that is possessed today, if the Israelis lost, there would probably not be any Israelis to scatter. This very fact alone makes it more log-

ical that the Israelis will use nuclear weapons as one of several miracle cures in order to solve their problem and preventing a loss. It also makes it more logical that Israel will engage in a preemptive strike if they perceive that conditions of war are imminent.

(2) In studying this problem, I bought a copy of the Koran. I have read its 114 books, or chapters, twice in the hope that I could find something that would give me the slimmest belief that there can be peace between the Arabs and the Israelis. I also studied the 19 events that are listed as the major happenings in the life of Muhammad from his birth in 570 A.D. to his death on June 8, 632 A.D.: His mother's death, his marriage, his victories in converting the Arabs to the Islam religion are all listed. In addition, three of the major events for Muhammad were when the Jewish tribe of Al-Nadhir was crushed and defeated in 626 A.D., when the Jewish tribe of Qurayzah was raided and defeated in 627 A.D., and when the Jews of Khaybar were put to the sword in 629 A.D. Three of the 19 major events in Muhammad's life were when he slaughtered Jews. I do not believe the Arab-Israeli dispute is over land—land won't solve the problem. It is much deeper than that. It dates back to Abraham. The problem will not be solved by anything material.

(3) There are too many people involved in the conflict—especially the PLO, who do not want the problem to be solved. They make a living out of the conflict. This is obvious from the fact that whenever the peace process starts showing progress, a terrorist attack will occur. A case in point is the four Israeli women who were stabbed to death recently when Jim Baker went to Israel. As Abba Eban said, they never miss an opportunity to miss an opportunity. Another point of interest is that far more moderate Arabs have been killed on the West Bank by PLO death squads than have been killed in conflicts with the Israelis. The radicals simply won't let the moderates make any peace headway.

There is simply no doubt that Israel would give up a significant amount of its security if the Israelis leave the disputed territories. With this in mind, I looked at the situation and asked myself, "What would we in the United States do if we were in their position?" Now let's suppose the Russians made some claim to Florida, Georgia, Alabama, and Louisiana. That would be comparable to the Palestinians's claim to the West Bank. What would be our reaction if we were told we would have to get out and the Russians were going to occupy these states? Do I need to give you an answer?

Now we are being told by many of our self-styled experts that the Middle East is really a peaceful, tranquil, wonderful area. However, there has been a temporary 2,500-year interruption to all this peace with turmoil, terrorism, mayhem, and war. As I said though, this is only a temporary 2,500-year interruption. The experts are telling us if we could just get those Jews out of the Golan Heights, out of the West Bank, and out of the Gaza Strip, we could have peace again. I had trouble figuring this out since we didn't have peace when there was no Israel. There was more fighting and unrest when Israel was not in the disputed areas than there is now. Why would giving up the disputed areas give us peace we have not had for 2,500 years?

Because of time constraints, my conclusions are only a brief summation. However, I can find absolutely no logical reason for Israel to give up one inch of the disputed areas. Quite to the contrary, I believe if Israel were to move out of the Golan Heights, the West Bank, and the Gaza Strip, it would (1) increase the instability in that area; (2) increase the possibility of war; (3) increase the necessity for Israel to preempt in war; (4) increase the possibility nuclear weapons would have to be used to prevent an Israeli loss; and (5) increase the possibility the United States would have to become involved in a war in the area.

Short of a complete disestablishment of Israel, giving up land will have no lasting effect on peace in the area. And even that could be questioned.

It is not in the United States's best interest to have Israel leave the disputed areas and we should not put pressure on Israel to do so. We do not have to solve the Arab-Israeli conflict because we can't. We do not have to provide the Palestinians a homeland. And Israel does not have to give up land for "peace" because it would do no good.

THE REMARKABLE RAY BROOKS: LAST OF "FLYING ACES" OF WWI

Mr. HELMS. Mr. President, last week I was saddened by the news that reached me belatedly of the death of one of America's heroes—a man whom I never met but whom I nonetheless considered a dear and personal friend.

Capt. Arthur Raymond Brooks was 95 when he passed away on July 17. I believe it is correct to identify Ray Brooks as the last surviving flying ace of World War I. He became a hero of mine when I learned that in 1918 he was one of the fine young Americans who dared to fight the first war in history in which airplanes were used in combat.

A newspaper account says that at age 22, Captain Brooks was a fighter pilot with the 139th and 22d Aero Squadrons. He participated in 12 aerial battles and was credited with 6 kills from June to October 1918.

Mr. President, I will speak further about Captain Brooks in a moment, but first I perhaps should mention how I became familiar with him and the other surviving flying aces of World War I.

One of my good friends in North Carolina is John Kent, a former chief pilot with United Airlines. John is now retired and lives in Durham. For many years, John Kent kept in touch with those flying aces—writing to them, visiting with them, and doing thoughtful things for them. In early 1984, John just casually mentioned the flying aces to me and furnished a list of their names and addresses.

One day in the late summer of 1984, John Kent told me that there was to be a convention of surviving flying aces right here in Washington. John remarked what a wonderful thing it would be if those old gentlemen could be invited to the White House. When I next met with President Reagan, I told him about these elderly gentlemen and their upcoming convention. I did not even have to suggest to the President the possibility of inviting these gentlemen to the White House.

The President, as a matter of fact, made a note of it, stuck it in his pocket, and on October 18, 1984, down they went, these seven, I think it was, surviving flying aces. They went to the White House to visit their President.

President Reagan later told me that it was one of the most emotional things that had ever happened to him. "There they were," he said, "lined up in their wheelchairs as I walked in. Some had walking canes—a few standing erect and proudly. When I went down the line, each insisted on struggling to stand up, at attention and then salute me."

Just telling about it brought tears to the President's eyes. And, needless to say, it was a meaningful occasion for each of those old gentlemen.

Mr. President, because I had mentioned the convention to the President and because they were invited to the White House, I received a letter signed by everyone of those flying aces. I have it hanging on my wall. Their handwriting was shaky, but the letter was warm and generous. The concluding line in the letter read, "Senator, these seven Old Eagles salute you. Go for it, youngster."

Mr. President, as I looked again at that letter this morning, I found myself shaking my head in the realization that, with the death of Ray Brooks, all of them are now gone.

But, back to Ray Brooks: My friend, John Kent, tells me that Ray Brooks was Gen. Jimmy Doolittle's closest friend. As a personal note, I am obliged to mention that Jimmy Doolittle has himself been a special hero of mine since my boyhood. His picture is on my wall, and we have corresponded on many occasions.

Mr. President, let me now briefly return to Ray Brooks. The Newark, NJ Star-Ledger of July 18 published a detailed account of Ray Brooks' career, and I think I can best describe this remarkable man's remarkable career simply by asking unanimous consent that the article be printed in the RECORD.

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

[From the Newark (NJ) Star-Ledger, July 18, 1991]

CAPT. A. R. BROOKS, WORLD WAR I AIR ACE

Capt. Arthur Raymond Brooks, believed to be the last surviving flying ace of World War I, died yesterday at his home in Summit. He was 95.

Mr. Brooks, who was predeceased by his wife, Ruth, in 1967, died of natural causes. Late yesterday funeral arrangements were incomplete.

As a 22-year-old flier with the 139th and 22d Aero Squadrons, Brooks engaged in 12 aerial battles and was credited with six "kills" from June to October 1918.

He flew missions into German-occupied territory and achieved "ace" status—which is awarded to pilots who shoot down more than five planes—on Sept. 14, 1918.

In that battle in the French skies between Metz and Fresnes, Mr. Brooks took on eight

Fokker D–VII fighters, shooting down two, forcing another two to limp home disabled, and evading the remaining four before crash-landing his bullet-riddled plane in a field behind enemy lines.

His sixth and final air victory came on Oct. 9, 1918, during the Meuse-Argonne battle, an intense Allied offensive, for which he was awarded the Distinguished Service Cross.

He was awarded the Silver Medal of the City of Paris in 1972 for his World War I contributions.

The Spad 13 that Mr. Brooks flew with the 22d Pursuit Squadron, named the Smith IV, was restored and is on display at the National Air and Space Museum in Washington, D.C.

Born in Framingham, Mass., Mr. Brooks became interested in the workings of trains that pulled up to his father's granary. He soon began sneaking to the local roundhouse to watch the massive engines being repaired.

He built rafts out of old railroad ties, and when a nearby lake froze over in the winter, Mr. Brooks constructed an ice boat that zipped along the frozen surface at up to 60 mph.

In an interview last year, Mr. Brooks admitted being bitten by the flying bug as early as powered flight became a reality in 1903.

"I loved airplanes. I was fascinated by the thought of flying," he said.

Mr. Brooks graduated from high school in 1913 as class valedictorian and went on to the Massachusetts Institute of Technology, with which he had a lifelong association.

Upon graduating in 1917, he joined the military and got his flight training with the Canadian Royal Flying Corps in Toronto and the U.S. Signal Corps in Hicks, Texas.

"I was an eager beaver to die for this country. Don't ask me why, that's just the way I felt," he said of his entry into World War I.

"I had a guardian angel. Before I left for Europe, a friend told me she would ask a nun to pray for me. I owe it all to that nun and my guardian angel," he said.

After the war, Mr. Brooks stayed in aviation. He designed and installed a set of beacon lights from Boston to old Hadley Field in South Plainfield and south to Richmond, Va., and west to Bellefonte, Pa. that were used as the only means of navigation for U.S. Mail planes on early airmail routes.

Mr. Brooks went on to Bell Labs in 1928, working on the development of electronic air navigation and air-to-ground navigation. He also helped develop the first air-to-ground telephone in the early 1930s.

Mr. Brooks retired from Bell Labs in the 1960s, but not from flying. Last year his friends told of his continued skill for flight.

"When Ray was in his late 80s, we were flying home from Rhinebeck (N.Y.) and I let him take over the controls of my Piper Arrow," said Jack Elliott, aviation columnist for The Star-Ledger and a long-time friend of Mr. Brooks. "I looked over and I thought my instrument panel was broken because every single needle was dead center and they never wavered. When anyone else flies, the needles move back and forth constantly, but not Ray. He was steady as you can get."

GAO CONTRA REPORT

Mr. REID. Mr. President, when Congress appropriated money for the repatriation and resettlement of the Nicaraguan resistance—the Contras—it required the GAO to report on the use of that money. In addition, Congressman DUNCAN HUNTER and I requested that the GAO investigate the adequacy of food and medical care provided to the Contras and their dependents while they were in Honduras awaiting repatriation.

The report was just published on Thursday, July 25. If one reads the "Results in Brief," one finds the following statement as the lead:

United States, Honduran, and Resistance officials agreed that the U.N. repatriation program successfully met its primary objective of repatriating as many demobilized combatants and dependents from Honduras as chose to be repatriated.

One would think from that summary statement that all went well. One needs to really get into this report to find out what really happened, however. There were, in fact, high rates of death among children, people without food, and poor sanitary conditions. People died.

This is clearly a report that has been sanitized by the U.S. State Department. Sentences are carefully worded, and hard judgments are conspicuously absent.

I had requested that particular camps be looked into for child deaths. These were the Las Vegas Camp and the Yamales Valley. The report reads as follows:

In response to complaints that children in the Las Vegas Camp and in the Yamales Valley were not receiving sufficient food, the State Department requested the Centers for Disease Control to send an expert to review the nutritional status of both groups of children. The expert evaluated a study of the nutritional status of Resistance children in the Yamales Valley done by the Honduran Red Cross and reported in August 1990 that malnutrition levels were actually below those that could be expected among the general populations of Nicaragua and Honduras. The report also noted that malnutrition did not seem to be a problem in the Las Vegas camp.

The expert from the Centers for Disease Control evaluated a study written by the Honduran Red Cross. He did not examine the children, he examined a study written by an organization that was accused of stealing the food. And he comes to the conclusion that malnutrition did not seem to be a problem in the Las Vegas Camp. Of course, by August, when he made this report, the United Nations had already been there several months and had gotten the problem under control.

Former Gov. Mike O'Callaghan was there earlier in the year, and reported to the GAO that there were empty warehouses in the valley and food shortages when he visited. He even showed them pictures. In two other places in the report, it is stated that "death rates among infants and young children living in UNHCR-assisted camps were substantially above normal expectations." The expert from the Centers for Disease Control states that decreases in the death rate by July 1990 was partly due to that fact that "the most vulnerable segments of the population die first." In other words, the babies had already died.

I recommend that my colleagues read this report, but they should read it carefully. Do not stop at the executive summary.

I also want to make it clear that I do not fault the GAO for this report, but rather the State Department for making it a whitewash. The GAO managed to include a great deal of information in the report, and I know that, through their visits to the region, they were able to get certain food rations increased, and they should be commended for that work.

It is only because certain people who care—Gov. Mike O'Callaghan, the individual investigators from the GAO, DUNCAN HUNTER, and my staff among them—that more people did not die. It is my feeling that if these matters had not been brought out into the open, not much would have been done to change them.

S. 250, THE NATIONAL VOTER REGISTRATION ACT OF 1991

Mr. FORD. Mr. President, recently, some of my colleagues on the other side of the aisle criticized S. 250, the National Voter Registration Act of 1991, because they claimed that the costs were prohibitive; that this bill would pass along unfunded Federal mandates to the States. In fact, the minority stated in the committee report accompanying S. 250 that "State after State has insisted that the costs of S. 250 will be substantial and they will have to curtail other programs such as education or child nutrition to come up with the funds needed to meet the unfunded mandates in the bill."

Mr. President, I am well aware of the many cost estimates which have been submitted and to which the minority refers. The question that these estimates raise, and which the minority does not seem to address, is: What factors are being used to put these cost estimates together? I believe that many of these estimates do not reflect the true costs of the registration mechanics required by the bill and many of these estimates are inflated.

The cost estimates from these States should not be accepted at face value. Many of these estimates include the costs for computerization. Mr. President, S. 250 does not require that States computerize their voter registration rolls. In fact, in several of the States where the motor-voter program is currently operating, computerization is not used. For example, the District of Columbia has instituted the motor-voter program without computerization and it has been effective in increasing registration. If the District of Columbia is capable of doing motor-voter without computerization, I think most States can as well.

I know that many of the States are using S. 250 as a means of urging automation of the registration process. But, the reality of the situation is that fully 92 percent of the registered voters in this country are already on some form of automated list—lists that can be purchased by any Member of the Senate.

One of the other problems which I have with these cost estimates is that many States are including other costs not associated with the technical requirements of the bill.

For example, during the Rules Committee consideration of the bill, the committee received testimony from a California county clerk, Mr. Tony Bernhard. He testified that his cost estimate for California was $20 million. But included in his cost estimate were the costs for the general administration of the electoral process. Some of the items that he included were voting booths, ballot boxes, flags, signs, tables, additional rosters, and the costs for staff at the polling place. His basic argument was that since California was going to experience an increase in its registration rolls, the Federal Government should pick up the tab for the maintenance of a larger voter roll. But, because the bill did not provide any funding, States like California would have to cut basic health and safety budgets to pay for the costs of a larger voting roll.

Mr. President, this argument is very disturbing. What the opponents to this legislation are arguing is that the Federal Government should pick up the tab for a larger voter registration roll. Mr. President, this is an admission that this bill is going to increase the number of registered voters. That is the whole purpose of this legislation. And the statistics show that registered voters do vote. And that is a democracy in action.

Mr. President, we have a cost estimate for this bill. As my colleagues know, the usual means of determining the costs for a bill is through an analysis by the Congressional Budget Office. And CBO did a thorough analysis of the costs associated with this bill, which included contacting State and local election officials to assess the impact of the bill. In fact, one of the States that CBO contacted was California. I wish that some of my colleagues would take a moment to read that cost estimate, included in the committee report accompanying S. 250, because I think that they will find it very enlightening. I will ask unanimous consent that a copy of the letter from CBO be printed at the conclusion of my remarks.

Mr. President, the CBO estimate states that the average cost of the bill for the first 5 years is $20 to $25 million. But the CBO estimate demonstrates that S. 250 will result in substantial cost savings.

CBO estimates that the reduced postal rate, which is provided in S. 250, will save local election officials $4 million annually in lower postal rates. In fact, the automatic updating of addresses provided in the registration programs of S. 250, as well as the list cleaning procedures, will most likely ensure that for each election, State election officials are going to have more accurate and up-to-date registration lists, which will save local election officials enormous time and money by eliminating mailings to people no longer registered to vote.

I am mindful that there are costs associated with the bill. But, as CBO noted these costs will be offset by a reduction in the costs of part-time employees hired to handle the increased workload associated with each registration deadline. Receiving registration forms over the course of a year, rather than in one large rush just prior to the registration deadline, has allowed some States like Colorado and Michigan to reduce their part-time staff during election years. Because local election officials would not be required to hire part-time employees, these same local election officials could expect to save $10 million in a Presidential election year and $7 million in a non-Presidential election year in administrative costs.

Mr. President, if you look at the methods that are used by the States to update their registration lists, S. 250 provides further additional savings. About 20 percent of the States canvass all voters on the lists, while the remaining 80 percent do not contact all voters, but target only those who did not vote in a previous election. About five States simply drop people from the lists for failure to vote. Most of these States send some type of notice.

S. 250 establishes standards for address verification programs and specifically authorizes the use of the National Change of Address Program [NCOA]. By permitting the States to use the National Change of Address Program, this will allow election officials to directly identify those who have moved and send them a forwardable notice. Although election officials would have to pay a vendor licensed by the Postal Service to do a computer match of registration lists and NCOA list, these costs could be offset by reducing the postage and printing costs that officials pay for less-focused canvassing. In my own State of Kentucky, the secretary of state recently stated before the Subcommittee on Elections in the House that the adoption of NCOA saved Kentucky almost $800,000 in the cost of a statewide list verification program.

Incidentally, Mr. President, I would like to point out that during the Rules Committee consideration of this measure last Congress, an amendment was offered by the minority which would have permitted States to use the National Change of Address Program. I find it interesting that in the minority's so-called alternative, the use of a proven costs saver, the National Change of Address Program, is not even encouraged.

Mr. President, the minority's proposal, S. 921, authorizes an appropriation of $25 million to be administered by the Attorney General on a matching grant, dollar-for-dollar, basis. And yet, their proposal does nothing to make registration systems cost efficient. I previously mentioned that the District of Columbia instituted motor-voter and was able to create the program at the cost of 6 cents a form. In New York City, in-person registration costs the taxpayer an average of $83.28 for each new registered voter. This only demonstrates, Mr. President, that S. 921 is another classic example of Government waste. Rather than implement a uniform national registration system, S. 921 would reinforce the current voter registration systems which is the heart of the cost problem.

Mr. President, voter registration should not be a partisan issue. Unfortunately, some Members have belittled this bill as a bill that will benefit Democrats. I deeply regret that the debate has turned into a partisan issue. The purpose of S. 250 is to make voter registration uniform for all Americans. The right to vote is not a partisan right. It is an individual right. S. 250 will assure that all Americans qualified to register will have the opportunity to register to vote in a manner that is convenient. And S. 250 will achieve this through cost-efficient means, as demonstrated in the CBO analysis.

I ask unanimous consent that the letter from the Congressional Budget Office referred to earlier be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 20, 1991.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 250, the National Voter Registration Act of 1991. Enactment of S. 250 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 250.

2. Bill title: National Voter Registration Act of 1991.

3. Bill status: As ordered reported by the Senate Committee on Rules and Administration, April 24, 1991.

4. Bill purpose: S. 250 would create a national system of voter registration procedures for elections for federal office. Responsibility for implementing the system would fall largely to the states, with the federal government responsible for enforcement, as well as some financial and technical assistance.

Requirements for States: Under the national system of voter registration, most states (except those with election day registration and those with no registration requirement at all) would be required to provide the following methods of registration:

Motor/Voter: When someone applies for a driver's license (new, renewal, or change of address) at the state motor vehicle authority, the application procedure would have to include the opportunity to register to vote. An individual would have to decline in writing on an application form to avoid registering by this means, or would have to sign an attestation, under penalty of perjury, that the individual is eligible to register to vote.

Mail Registration: Each state would make available through various sources a form, prescribed by the Federal Election Commission (FEC), that applicants could complete and mail to the election official to register for federal elections.

Agency Registration: Each state would have to designate some state and federal offices as well as private sector locations (such as public libraries, unemployment offices, banks, fishing and hunting license bureaus, or post offices) to distribute and collect applications for voter registration. Such locations would then forward the applications to the appropriate election official.

Currently, the federal government has little involvement with voter registration. Each state has its own laws governing registration, and in practice, registration practices vary widely even among local election jurisdictions within a state. S. 250 would mandate that states provide the specified registration methods consistently in all jurisdictions.

In addition, S. 250 would mandate that any state programs used to update voter registration lists shall be uniform and nondiscriminatory and may not remove someone from the list for not voting. The bill would permit a state, if it determines a voter has moved, to remove the voter from the list only after sending a forwardable notice with a return card that would allow the voter to confirm the correct address.

Finally, each state would have to designate a chief state official responsible for implementing the state's functions under S. 250.

Requirements for the Federal Government:

S. 250 would require the U.S. Postal Service to provide election officials with a postal rate subsidy for any mailings that the bill requires the officials to conduct, such as the registration confirmation notice and the registration update notice. The bill authorizes the appropriation of funds sufficient to reimburse the Postal Service for its losses in providing the subsidy. If the Congress does not appropriate the necessary amounts, then the Postal Service would no longer offer the subsidy.

The bill also would require the FEC to provide information to the states regarding their responsibilities and to report to the Congress once every two years on the impact of the registration procedures required by the bill. The FEC also would have to develop a uniform application form to be used by states for mail registration.

In addition, S. 250 would authorize the Attorney General to bring civil actions in court to enforce the provisions of the bill. Individuals also would be allowed to ask the court for relief from any violations of the bill's provisions.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Payment to the Postal Service for revenue forgone:					
Estimated authorization level	4.0	4.0	4.5	4.5	4.5
Estimated outlays	4.0	4.0	4.5	4.5	4.5
Federal Election Commission:					
Estimated authorization level	0.2	0.2	0.2	0.2	0.2
Estimated outlays	0.2	0.2	0.2	0.2	0.2
Bill total:					
Estimated authorization level	4.2	4.2	4.7	4.7	4.7
Estimated outlays	4.2	4.2	4.7	4.7	4.7

The costs of this bill fall within budget functions 370 and 800.

Basis of Estimate:

Based on the total number of change-of-address actions filed with the Postal Service, CBO expects the postal subsidy could amount to no more than $3 million annually—probably in the vicinity of $2 million—to cover a portion of the cost of mailing registration update notices. In addition, CBO estimates that officials would mail about 25 million voter confirmation notices, based on election officials' reports that the number of registration applications amounts to 20 percent of the total number of registered voters in the jurisdiction. (There are about 120 million registered voters nationwide). Assuming an average subsidy of 7.3 cents per piece of mail, subsidizing the mailing of these confirmation notices would cost about $2 million annually at current rates. CBO assumes that an increase in postal rates will occur in 1994, at which time the cost of this subsidy would increase.

Based on information from the FEC, CBO estimates that the additional staff and associated expenses necessary to develop a mail registration form and to provide assistance to the states would cost approximately $200,000 annually, beginning in 1992. The requirements imposed on states and localities would become effective beginning January 1, 1993, unless provisions in a state's constitution conflict with implementing S. 250. In such cases, a state would not have to comply with S. 250 until January 1, 1994.

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. CBO estimates that enactment of S. 250 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

7. Estimated Cost to State and local governments:

S. 250 would require states to provide three types of voter registration for federal elections beginning in 1993: motor/voter, mail-in, and agency registration. The bill also would mandate that states use a uniform and nondiscriminatory program for maintaining accurate lists of eligible voters.

Consistent with CBO's usual procedures for estimating the cost effects of legislation, this estimate compares the cost to states of complying with the bill's provisions to the cost of their current practices under existing law. Few state and local governments currently employ all the methods required by the bill for registering and maintaining voters on the rolls. In addition, without S. 250, states and localities are unlikely to replace their existing practices with those outlined in the bill. Therefore, the costs states would incur in changing their registration procedures would be directly attributable to enactment of the bill.

Summary of Costs:

Direct Costs: If the bill is enacted, state and local governments would have to pay for the cost of complying with the bill's registration provisions. For the additional staff, postage, and printing expenses associated with the expected increase in registrations, especially through motor/voter, CBO estimates that it would cost state and localities an average of $20 million to $25 million a year for the first five years of the program. Added costs would be somewhat lower than the average in federal election years, and above the average in other years, since the procedures required by the bill would have the effect of smoothing the current election-year peaks in registration costs. Some of these expenses would begin in 1992, the year before the bill's provisions take effect, as the states prepare to offer the new registration methods.

Although the bill would not directly require it, some states may decide to acquire, expand, or upgrade computer systems to facilitate implementation of the bill. To the extent that state and local governments make such changes in computer technology, their costs could increase further. For example, we expect that one-time costs could amount to $60 million to $70 million to computerize the registration lists of all the jurisdictions that currently do not have computers. We cannot predict how many jurisdictions would do so, or how many that now have computers would choose to change their system.

Another provision that would require most states to make a change from current practices affects the polling place where a registrant may be permitted to vote. Under S. 250, if a registrant has changed addresses within a jurisdiction without notifying the registrar, but the new and old addresses are covered by different polling places, then the registrant would have the option of voting at the old or new polling place, or some other polling place that has a list of registered voters. Election officials have indicated that this requirement would be quite difficult to implement without a computerized registration list. Without such a capability, it might not be possible to fully meet this requirement, so the cost to election officials of this provision cannot be estimated at this time.

Offsets to Costs: Because S. 250 would authorize the Postal Service to provide a rate subsidy to election officials for mailings required by the bill, state and local governments would be able to shift some of the costs they incur now to the federal government. S. 250 would require officials to notify registrants as to the outcome of their application and to contact those whom the officials plan to drop from the rolls because of a change in address. (Most officials already take both of these actions.) CBO estimates that the postal subsidy for these mailings would total about $4 million annually. Thus, upon enactment of S. 250, state and local election officials would save approximately $4 million annually in postage costs.

Other Costs: To the extent that S. 250 is successful in increasing the number of registered voters in all jurisdictions, state and local governments likely would face other costs that are not directly associated with implementing the bill's provisions. For example, if more people are registered, then presumably voter turnout during elections would increase. Because election officials try to maintain a certain ratio of voters per

polling place, officials might have to add new polling places, voting machines, and poll workers. However, these officials would take similar steps because of growth or migration patterns, and it would be difficult to separate the bill's effect on increased turnout from other contributing factors.

Certain states with specialized election laws would encounter some secondary effects of the bill. California law, for example, requires state and local officials to mail all voters on the registration list a sample ballot and an explanation of all ballot initiative issues before each election. If enactment of S. 250 results in more people registered, then the cost of such special mailings will be greater. On the other hand, the bill's provisions that encourage improved list-cleaning would result in more accurate voter registration lists, and election officials would save money by not having to mail voting materials to or prepare polling places for people who no longer would be on the lists. We have not estimated the total costs or savings from such effects in the various states, which would depend in part on how successful this legislation would be accomplishing its goals. California, which has some of the most extensive requirements relating to communications with registered voters, has estimated that it costs between $4 and $5 per registered voter to print ballots, print labels, mail sample ballots, and provide polling places. Most other states have lower costs, because they do not have all these requirements mandated by law.

Because S. 250 would allow individuals to sue for relief from violation of the bill's provisions, state and local governments and officials are potentially liable to pay fines and court and attorney fees if they lose a lawsuit. Such costs would not result directly from the bill, but rather from court cases that CBO cannot predict.

Current Law: Under current law, each state sets its own rules or guidelines for registering to vote in federal elections, and many states allow a wide range in practice among decentralized, local election jurisdictions (usually counties or cities and towns). Just over half the states already have mail-in registration, and about one-fourth of the states have some form of motor/voter registration. States and local jurisdictions pay the costs of registering voters, and the federal government does not currently assist them with these costs.

Data Collection:

Because voting registration practices vary so widely, the incremental costs of implementing new procedures in the nation's 18,000 election jurisdictions is difficult to determine. In preparing this estimate, CBO assumed that local jurisdictions within a state generally follow registration guidelines set out by the state (even though there are some variations). We then compared the states' current guidelines with the requirements in the bill. (CBO relied on state-by-state summaries of registration practices prepared by various election information clearinghouses.)

In so doing, CBO surveyed the election officials in just over half of the states (as well as about two dozen counties of varying sizes). We collected cost information from some states that already provide one or more of the registration procedures mandated in this bill. In addition, some states provided CBO with the fiscal notes prepared for their state legislatures when they were considering one of these options. We also contacted about half of the 14 states that currently do not offer any of the bill's registration methods for their asessment of the bill's likely impact.

Assumptions: Based on this information about the general registration practices in each state and the steps each state would have to take under S. 250, CBO makes the following assumptions regarding implementation that could affect the costs to state and local governments:

In most states, motor/voter would become the primary method of registering voters. Because most people have a driver's license and are required to renew it periodically, a motor/voter system eventually would provide most people with a convenient opportunity to register, especially after a change of address.

Although completing a driver's license application at the state department of motor vehicles (DMV) would be the most common way people would apply for registration, local election officials would remain largely responsible for maintaining accurate voter lists.

The several states with constitutional provisions that would conflict with the bill, such as requiring voters to sign an oath in person in front of a registrar, would change their laws to be consistent with S. 250. Otherwise, those states would have to maintain separate registration rolls and conduct federal elections separate from other elections. This estimate does not include any cost for such separate elections.

Costs of Registration Provisions:

Motor/Voter—DMV Costs: S. 250 would require states to include a voter registration application form as part of an application for a state driver's license. The bill language suggests that states use a consolidated form, but also allows them the flexibility of using two forms. CBO assumes that states could use two forms if they desire, because the committee's report language emphatically declares the committee's intent to allow this option to states. Thus, states that already have a two-form motor/voter process would not have to change, and states that would have to decide how to set up a motor/voter process could have a choice.

Based on the experience of the states that already have motor/voter, it appears that the additional costs to states of implementing motor/voter registration would result mainly from hiring additional staff to handle the extra paperwork. For example, state DMVs would need more employees at high traffic locations to continue to process applicants in the same amount of time as they currently do. For the 34 states that do not now have some form of motor/voter, the cost of such additional employees and related expenses could range from $20 million to $25 million annually during the first five years of implementation. Since most states require renewal of a driver's license every four years, costs would decrease in later years, because most people would have had an opportunity to register and only those who move would have to update their registration.

Motor/Voter Election Official Costs: Once the DMV receives an application, it probably would forward a copy to the local election official to process the registration, as is current practice in the states that now have motor/voter. While CBO expects that officials in sparsely populated jurisdictions would be able to absorb small increases in the number of applications, others would face increased costs. In especially populous jurisdictions, election officials would have to hire more staff to handle the likely increase in applications and to check for duplicate registrations (although some states with motor/voter report these are less than they had originally anticipated). Counties we contacted report that the number of registration applications they handle annually amounts to about 20 percent of the number of registered voters in the county (there are about 125 million registered voters nationwide). Based on information from counties in states that curretnly have motor/voter, it appears that the workload could increase by 20 percent because of people registering who otherwise would not have registered, duplicate registrations, and ineligible applications.

Assuming the incremental cost for a county election office of handling an additional application is $1.50, then local jurisdictions, in aggregate, would have to pay an additional $5 million to $10 million annually. Some of these costs would only be incurred during the first few years. Once most people are on the rolls and the number of unregistered voters decreases, use of the motor/votor system would decrease as voters only register if they have moved.

Such costs, however, would be somewhat offset by a reduction in the cost of part-time employees hired to handle the increased workload around each registered deadline. Officials in some states with motor/voter, such as Colorado and Michigan, report that receiving forms from the DVA evenly over the year rather than in a last-minute pre-election rush has allowed them to reduce their part-time hires and use their full-time staff more efficiently. Based on information from several localities that hire part-time staff during election years, we expect local officials nationwide could save about $10 million in a presidential election year and about $7 million in non-presidential election years by reducing part-time hires. (There would be no savings in non-election years because no part-time help is necessary.)

The total costs that election officials would face would be offset further by the postal rate subsidy authorized by S. 250. While the bill requires election officials to notify applicants of the outcome of their registration application, it also would provide a discount of about 43 percent for notices mailed by third class. Because most states already mail such notices to applicants, the notification requirement would not result in additional costs, but the subsidy would shift about $2 million of postage costs currently incurred by election officials to the federal government.

Motor/Voter: Computer Costs: Rather than forwarding an application from the DMV to a county registrar, a possible alternative, untested thus far, would be to transmit the voter information electronically. The cost of adding registrants to a jurisdiction's list would be lower if the voter data were transferred to computer by tape or other device rather than entered by hand. Some states have indicated that they would probably implement the motor/voter requirement by switching their record-keeping from paper to computers, and arranging for electronic transfer of data from the DMV system to the voter registration system. Some state officials have suggested that record-keeping would be improved if election officials used signature digitizers to store voters' signatures on computer, but this would cost extra. Although the bill would not mandate states to computerize, in some instances states or counties might decide computerization would be the best action, even though it would require a significant one-time investment in equipment.

CBO has no information on which to base an estimate of how many counties would computerize or how many more states would create a statewide registration system. (Currently, 21 states have one.) Based on data from Election Data Services, it appears that jurisdictions already use computers to maintain lists for about 70 percent to 80 percent of the registered voters in the country. Aside from jurisdictions that might wish to change their existing computer systems, jurisdictions could potentially purchase new equipment to computerize the remaining one-fourth of the nation's voters.

We have examined the costs of existing registration and election systems and have determined that it costs between one dollar and two dollars per voter record for a computer system. Jurisdictions with small populations (less than 100,000) would have to pay closer to two dollars, and jurisdictions with larger populations would have to pay less. For example, a county with 75,000 registered voters could expect to pay in the neighborhood of $150,000 for an elections system. A state with 7 million registered voters would pay about $7 million for a basic statewide system. Computerizing the registration lists for the 30 million to 35 million people in jurisdictions currently without computers could cost up to $60 million to $70 million.

Mail-In and Agency Registration: Because most voters (we assume 80 percent to 90 percent) eventually would register through the motor/voter system, mail-in and agency registration would serve as alternate means for those few remaining voters who do not have a driver's license. In those states that currently provide one or both of these methods, the number of registrations received from these sources would decrease over time as voters register instead through the DMV, and would, after the first few years, eventually generate from $5 million to $10 million in annual savings that would partially offset increased costs of motor/voter. If all states that currently do not have mail-in registration were to implement it along with the other two methods, it would cost them about $1 million to $2 million annually because they would not use mail-in registration as much as states that currently have mail-in registration do.

Almost all states report that they have some form of agency or satellite registration, which in some states means a voter has to swear an oath in front of a deputy registrar at one of several county offices. S. 250 envisions a somewhat expanded type of agency registration in which forms are available at a variety of locations where voters can complete and submit them (or else take them home and mail them in). Again, this would not be a major source of registering voters, and the costs are not expected to be significant in aggregate, although some additional training costs might be necessary to expand the pool of people able to assist voters in completing the forms. Only those states that currently have just a deputy registrar system would have to print extra forms to be available throughout the jurisdiction, but these costs probably would be offset by the reduced amount of work for the registrars and clerks who would not have to register as many voters in person.

Costs of Voter Confirmation Provisions: Because voters usually do not notify election officials of address changes, the names and addresses of outdated registrants often accumulate on the rolls. Election officials revise registration lists to clean out those who have moved, died, or are otherwise ineligible to vote in that jurisdiction. S. 250 would prescribe that whatever method a state uses to maintain accurate registration rolls, it should be uniform and nondiscriminatory. Further, the bill would prohibit states from removing registrants from the list simply for not voting.

Current Law: All states now employ some procedure for updating at least once every two years (except four states that review lists every four years), though practices may vary somewhat from county to county. About 20 percent of the states canvass all voters on the list. The remaining 80 percent do not contact all voters, but instead target only those who did not vote in the most recent election (using not voting as an indication that an individual might have moved). Of these, about five states simply drop the non-voters from the list without notice. These states could not continue this practice under S. 250.

Whether states canvass all those on the list or just the non-voters, most send a notice to assess whether the person has moved. In about 30 states, election officials also provide voters with a way to update or prevent removal from the registration list.

National Change of Address System: S. 250 suggests, but does not require, an approach election officials can use to make sure that their list cleaning method is uniform and nondiscriminatory. Instead of using non-voting as an indication that a voter has changed addresses, an election official could contact only those who have actually moved, and at their new addresses. By using the National Change of Address (NCOA) system of the U.S. Postal Service, election officials could directly identify those who have moved and would send those people a forwarding notice with a pre-addressed, postage paid card that outlines the registration options available and allows people to respond to the officials. While an elections jurisdiction would have to pay a vendor licensed by the Postal Service to do a computer match of the registration list and the NCOA list (costing from $2 to $8 per 1,000 addresses matched), these costs probably would be offset by reducing the postage and printing costs that officials currently pay for less-focused canvassing. Several pilot studies of this system in California and Oregon, sometimes called Project MAIL, report that counties would save money by significantly reducing the number of notices sent out.

Postal Rate Subsidy: Whether election officials decide to use this NCOA approach or choose their current or other method for list cleaning (as long as it is uniform, nondiscriminatory, and does not drop for nonvoting), their postal costs associated with this process would decrease if S. 250 is enacted. The bill authorizes a postal rate subsidy for mailings associated with the list cleaning requirement, thereby shifting costs from the states to the federal government. The ultimate amount of this shift would depend on the number of notices mailed. We have no data on the amount of mail election officials currently send out to update their lists. However, if most states adopt the NCOA approach, the number of changes of address, about 40 million annually, would represent the maximum possible number of matches between the registration rolls and the NCOA list. With an average third class subsidy of about 7.3 cents per piece of mail, the cost of this subsidy is unlikely to exceed $3 million annually. In fact, it is likely to be less—probably in the vicinity of $2 million—because not everyone on the NCOA list will be on a registration list, some changes of address are temporary only, and officials will update their lists through other methods such as motor/voter. When voters move within a state and get a new driver's license, they also would be updating their voting registration, thereby reducing the number of voters that officials will have to contact to determine whether they are recorded on the rolls accurately.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: James Hearn.

11. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

FUTURES TRADING PRACTICES ACT OF 1991

Mr. LEAHY. Mr. President, the clock keeps ticking.

Three months ago, on April 18, the Senate voted 90 to 8 to adopt S. 207, the Futures Trading Practices Act of 1991. This bill was the toughest futures reform package approved by this body in decades and was a critical white-collar crime initiative. Its primary purpose was to address serious regulatory flaws exposed by the indictments of 48 Chicago futures traders in mid-1989 on charges of cheating customers. Thirty-two of those traders have so far been convicted or pled guilty.

It took more than 2 years to bring S. 207 to the Senate floor. Now, having passed it by a wide margin, we find the bill once again trapped in legislative limbo.

Congress acted quickly and decisively when we learned in January 1989 that the FBI had conducted a major undercover sting operation aimed at the Nation's two largest futures exchanges in Chicago. That summer, an emergency in the Chicago soybean market had raised a storm of concern among farm producers. The result was a stark crisis of confidence in these markets which are so vital to our national economic well-being.

Hearings and investigations in the Committee on Agriculture, Nutrition, and Forestry and by the General Accounting Office revealed that strong medicine was needed for the futures trading pits: tighter enforcement by a toughened Commodity Futures Trading Commission; better audit trails; stricter policing by the exchanges, and more public involvement in exchange decisions.

The Senate Agriculture Committee unanimously reported a bill to achieve these goals in November 1989, but final action on the legislation was blocked last year by a turf fight—a battle over whether to shift jurisdiction for stock-index futures contracts from the CFTC to the Securities and Exchange Commission. This debate had stemmed most recently from the stock market free-falls of October 1987 and October 1989 and from the introduction of certain new financial instruments: index participations, swaps, hybrids, and others.

The sharp divisions over this jurisdictional issue produced a legislative deadlock lasting more than a year. Still, after months of diligent, hard work, we were able to resolve it. The Committee on Agriculture met in March 1991 and unanimously reported the trading practice reform package from 1989 virtually unchanged and, at the same time, adopted a compromise on jurisdiction worked out between Treasury Secretary Nicholas Brady and CFTC Chairman Wendy Gramm. When the bill reached the Senate floor in April, we argued this issue at length. Senator BOND and Senator WIRTH presented an alternative proposal on jurisdiction. We had a vigorous debate; we voted our ideas up-or-down. We made a decision and moved on.

Meanwhile, the House of Representatives passed its own CFTC reform bill, H.R. 707, on March 5, 1991, virtually unchanged from the reform package adopted by the House in the prior Congress. The only step remaining on the futures reform trail was to work out the differences between the House and Senate provisions in a joint conference committee.

On May 14, the Senate chose conferees to meet with the House.

It is now 3 months since the Senate passed its CFTC reform bill, and 10 weeks since we chose conferees. Yet so far, the other body has failed to appoint representatives to a House-Senate conference.

As a result, the process once again has grounded to a halt.

There may well be reasons for this delay. I know that many Members of the House of Representatives, particularly those members who worked diligently and effectively on the development and approval of H.R. 707, are fully committed to reform. I understand that the House faces a complex parliamentary situation with respect to this bill. Three House committees potentially have claims on seats at the conference table. Each of these committees has a busy workload, as does the House Parliamentarian.

But while we wait, the clock keeps ticking. We will soon begin the August recess. When we return in September, both the House and Senate will face very heavy agendas and a strong desire to adjourn for the year.

Mr. President, Congress cannot forever put off biting the bullet on CFTC reform. U.S. financial markets will remain at risk from trading abuse and sagging confidence until the reforms in S. 207 and H.R. 707 become law.

Just in the time we have waited for a conference, the case for reform has continued to build. On May 15, 1991, the CFTC charged seven additional floor traders with customer fraud stemming from its investigation of the New York futures exchanges. On June 5, a Federal grand jury indicted 2 firms and 3 traders on 60 counts of trading fraud on the New York markets.

The costs of not finishing our work and enacting futures trading reforms are high:

First, futures exchanges will not be forced to install precise, tamper-proof audit trail systems;

Second, dual trading will continue unhindered;

Third, new conflict-of-interest rules will not take effect. Exchanges will not be forced to include 20-percent public directors on their governing boards;

Fourth, customers will remain barred from suing for punitive damages against floor traders and brokerage firms;

Fifth, there will be no Federal oversight of stock-index futures margins; new financial products will remain blocked;

Sixth, the CFTC will remain weakened. Its budget will be open to attack for lack of an authorizing statute. Its credibility will be questioned for lack of a congressional mandate.

In short, our failure to enact reforms is virtually an engraved invitation to a repeat of the futures trading scandals which dominated the newspaper headlines in 1989. But when it happens the next time, the fault will not lie solely in Chicago or New York. Some of the fault will be shared by those in Washington who failed to fix the well-documented defects in the regulatory system.

The time has come to act on CFTC legislation. I urge my colleagues in the House to appoint conferees so that we can resolve our differences and move this legislation to the President's desk this year.

TRIBUTE TO CLIFDALE ELEMENTARY SCHOOL

Mr. THURMOND. Mr. President, I would like to take this opportunity to commend the students and faculty of Clifdale Elementary School of Spartanburg, SC. Clifdale Elementary School recently won first place in the elementary school division of the Concerned Businessmen's Association of America's "Set a Good Example" contest.

The competition, now in its fifth year, challenges students to participate in antidrug projects which they design themselves. This year's contest, with the theme "Set a Good Example: Don't Use Harmful Drugs," drew over 800 participants.

Clifdale Elementary School was the first place winner for elementary schools nationwide. The students of Clifdale deserve the highest commendation for this impressive achievement.

Clifdale's students participated in daily drug awareness projects emphasizing the harmful effects of drug abuse. The students have indeed set a good example for their peers, and it is my sincere hope that the lessons they have learned will stay with them throughout their lives.

I would also like to commend Clifdale's principal, Dr. Bob Glenn, Clifdale's dedicated faculty, and the school's community sponsor, Dr. William Bledsoe for their participation in this worthy effort.

SPIRIT MOUND

Mr. PRESSLER. Mr. President, South Dakota has many important historical sites, including the Spirit Mound located 6 miles north of Vermillion.

According to David Lavender, author of "The Way to the Western Sea," explorers Meriwether Lewis and William Clark first heard of the legend of Spirit Mound at a meeting with the Oto Indians at Council Bluffs, IA. The Indian legend of Spirit Mound said that evil spirits in human form lived there. These little devils were believed to be 18 inches high with large heads and were armed with arrows that could kill at a great distance. Meriwether Lewis, William Clark, and other members of their famous expedition on August 25, 1804, visited this hill in the middle of a plain. From the top of the hill, the men enjoyed a most beautiful landscape that included numerous herds of buffalo.

Today, a group of concerned citizens have formed the Lewis and Clark/Spirit Mound Trust, which is dedicated to the purchase, preservation and restoration of the historical site. If any of my colleagues or readers of the RECORD are interested in contributing to this historical preservation effort, they can do so by paying $10 for an annual membership in the trust. More information about Spirit Mound can be obtained by writing to the South Dakota Preservation Office, 3 East Main, Vermillion, SD 57069. Also, on September 22, 1991, the Sixth Annual Spirit Mound Run will be held. This run will follow Lewis and Clark's 9-mile historic trek from Spirit Mound to their river landing.

I ask unanimous consent that additional information on Spirit Mound appear in the RECORD.

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

GROUP SEEKS TO ACQUIRE, PRESERVE SPIRIT MOUND

(By Barbara Thirstrup)

Six miles north of Vermillion is a promontory which has had special significance for Indians and early explorers.

Now it is being used for a cattle feeding operation, and a silo has been trenched into its side.

The site is Spirit Mound, where Lewis and Clark spent a day on their Missouri River journey, and where Indians feared to go because of legendary inhabitants.

A group of Vermillion citizens have formed the Lewis and Clark/Spirit Mound Trust, which is dedicated to the purchase, preservation and restoration of the historical site.

Spirit Mound, a hill eight miles north of the Missouri River, was visited by Lewis and Clark on their journey of 1804–1806. The explorers were told that the Sioux Indians believed it was the home of "Deavels that had remarkable large heads" and were a foot tall.

"The legend began and still exists that the Spirit Mound formation was established by the Great Spirit and that the little people were there to keep the Sioux in line so that they didn't kill more buffalo than they could eat," said Major General Lloyd Moses, former director of the Institute of Indian Studies at the University of South Dakota.

"We want to make it an historical and ecological park," said Larry Monfore, the group's founder. "First we have to raise about $290,000 to purchase the land, and then we'll need about $200,000 to restore it, and another $500,000 to maintain it so it can survive on the interest."

Paul Putz, of the South Dakota Historical Preservation Office, said, "One of the reasons we need to do it now is there is a feedlot on the steepest side, and there is a trench silo already. Erosion will soon deteriorate it to where there will be nothing left."

In order to acquire the 320 acres on and around Spirit Mound, the group has begun a fund-raising drive. "We're starting on a local level, but we want to do a national mailing to historians, educators and ecologists," said Monfore.

The group tried to get city, county, state, and federal support for the project in its beginning stages, but, as Monfore put it, "They all thought it was a good idea, but they weren't interested in providing financial support, so we decided to form our own private group to raise money to buy the land."

The restoration phase will involve planting the area into native grasses, duplicating the conditions existing when Lewis and Clark visited. "We'd like to have a walking trail to the top of Spirit Mound, where people would be able to see the river valley. We'd have signs identifying kinds of grasses and wildlife, and we'd like to have a visitor's center," said Monfore. He said the area would have pheasants, deer, antelope, and other prairie wildlife.

The area would be available for environmental studies and observations by students and the public in general.

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

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

Mr. DOLE. Mr. President, was the leaders' time reserved?

The PRESIDENT pro tempore. The Republican leader's time is reserved.

IRAQ NUCLEAR AMENDMENT

Mr. DOLE. Mr. President, later this week—hopefully sometime tomorrow—the Senate will begin consideration of the Defense Department authorization bill.

I want to advise my Senate colleagues of my intention to offer to that bill an amendment which would authorize President Bush to use all available and appropriate means to accomplish the goal of eliminating Iraq's nuclear capability.

I am pleased that the distinguished Senator from Connecticut [Mr. LIEBERMAN] has agreed to join me in offering this amendment. And I hope that many other Senators from both sides of the aisle will join with us over the next couple of days in putting together this amendment.

The amendment will make clear that we do not want to use force to accomplish this goal. It will further indicate our hope that the President, should he be forced to exercise a military option, will take every possible precaution to avoid or minimize civilian casualties.

But the amendment will not equivocate on our determination to see that Iraq's nuclear capability is wiped out, once and for all, one way or another. The risks of accidental civilian casualties in accomplishing that goal, though a cause of real concern, pales in comparison to the concern that all of us have about the prospect of Saddam Hussein acquiring nuclear weapons.

Mr. President, I invite all Senators to contact me or my staff if they wish to join us in crafting and offering this amendment, at the appropriate time, to the DOD authorization bill.

Mr. President, I reserve the remainder of my time.

The PRESIDENT pro tempore. Without objection, the Senator's time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

The PRESIDENT pro tempore. The Senate will now proceed to the consideration of S. 1433, under the order, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1433) to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes.

The Senate proceeded to consider the bill.

Mr. PELL addressed the Chair.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, the current business is the consideration of the Foreign Relations Authorization Act?

The PRESIDENT pro tempore. S. 1433.

Mr. PELL. Mr. President, the bill which we are now considering authorizes appropriations of $6 billion for fiscal year 1992 and $5.5 billion for fiscal year 1993 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting. The Foreign Relations Committee reported this bill favorably to the Senate on June 12 by a strong, bipartisan vote of 18 to 0.

In general, the authorizations for fiscal year 1993 are a straightline of the fiscal year 1992 authorizations. However, the fiscal year 1993 authorization for the State Department is $500 million less than the fiscal year 1992 authorization because the latter includes a lump-sum for all arrearages owed by the United States to the United Nations and other international organizations.

Title I of the bill authorizes total appropriations of $4.6 billion for fiscal year 1992 for the State Department—an increase of $970 million over the fiscal year 1991 appropriated level. The largest single spending category in the Department's budget, the "Administration of Foreign Affairs, is authorized at $2.7 billion. Within this category, $130 million is provided for the construction of the new office building at the U.S. Embassy in Moscow. However, the bill does not specify which construction option—teardown or top hat—the administration should pursue.

The bill authorizes $1.3 billion for International Organizations and Conferences, the second largest spending category in the State Department budget. This authorization provides for full repayment over the next 4 fiscal years of arrearages of U.S. assessed contributions to international organizations. This authorization reflects the committee's strong support of the President's decision to pay U.S. contributions as they come due and to repay all U.S. arrearages.

The third largest spending category, migration and refugee assistance, is authorized at $600 million—an increase of $110 million over the administration's fiscal year 1992 request. The committee found the administration's request woefully inadequate to meet the enormous and pressing needs of refugees throughout the world. The committee achieved this increase by decreasing the authorization for foreign military financing and for the State Department's building account.

The bill also amends the State Department Basic Authorities Act to create a new title dealing with the foreign relations of the U.S. historical series. This title is based on legislation that I introduced last year with Senators BOREN and HELMS. It is designed to ensure the accuracy and completeness of the series.

Title II of the bill authorizes appropriations of $1.1 billion for fiscal year 1992 for the U.S. Information Agency. This represents an increase of $58.1 million over the fiscal year 1991 appropriated level. As one who has long been a strong advocate of exchanges as a means of improving international understanding, I am pleased that the committee has seen fit not only to provide increased resources for existing programs but also to establish new programs. These exchanges, particularly those for the newly established democ-

racies in Eastern Europe, are dollars well spent. The fiscal year 1992 authorization for USIA also provides an increase of $5 million for the National Endowment for Democracy and funding for the establishment of a USIA office in Laos.

Title II also mandates the establishment of a USIA cultural center in Kosovo, Yugoslavia. This provision, which I sponsored, was a byproduct of a trip I took earlier this year to Yugoslavia and Albania. Recent events in Yugoslavia have confirmed my judgment that a United States presence in Kosovo, where the Albanian majority is brutally repressed by the Serbian minority, is critical.

Title III of the bill authorizes $218.7 million in appropriations for fiscal year 1992 for the Board for International Broadcasting for the operations of Radio Free Europe/Radio Liberty. This authorization provides for continued operation of Radio Free Afghanistan.

Title IV, dealing with spoils of war, places weapons captured by the United States under existing laws governing the transfer of U.S. military equipment. Title V prohibits the issuance of "Israel only" passports for Americans traveling to the Mideast. Title VI addresses various policy issues with respect to Southeast Asia.

Title VII establishes an Office for the Prosecution of Persian Gulf War Criminals in the State Department. This title is identical to legislation passed by the committee and the full Senate earlier this year. I believe it is essential that Iraqi authorities be held responsible for actions which constituted crimes against humanity and peace.

Title VIII deals with arms sales to the Middle East and title IX includes various miscellaneous foreign policy provisions.

Mr. President, I believe that this is a good bill. For the first time, this legislation has been marked up at the subcommittee as well as the full committee level. I would like to thank the subcommittee chairman, Senator JOHN KERRY, and the ranking minority member of the subcommittee, Senator HANK BROWN, for their good work and bipartisan cooperation on this legislation and the enormous contributions they made during the full committee's markup.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. REID). The Senator from North Carolina.

Mr. HELMS. Mr. President, it is always a pleasure to work with the distinguished chairman of the Foreign Relations Committee. He and I decided last week that it would be appropriate for the subcommittee chairmen on the foreign aid bill, Senator SARBANES and Senator MCCONNELL, to handle that bill, and they did an excellent job. However, I enjoy working with the chairman as minority floor manager, I look forward to this afternoon's work.

Mr. President, today the Senate considers S. 1433, the Foreign Relations Authorization Act for fiscal years 1992 and 1993. The bill authorizes funds for the State Department, international organizations, the U.S. Information Agency, the Board for International Broadcasting, and a host of other entities.

The bill is the product of diligent work, much of it by the International Operations Subcommittee of the Foreign Relations Committee. I look forward to managing S. 1433 with the subcommittee chairman, the Senator from Massachusetts, JOHN KERRY. Let me extend my personal thanks and high respect for the ranking Republican on the subcommittee, the Senator from Colorado, HANK BROWN. Senator BROWN is one of the most effective and personable freshman Senators with whom I have served and he has left a major, positive mark on this bill. Together with other subcommittee members and committee staff, a bill has been produced that has bipartisan support and is broadly based.

The subcommittee deserves commendation for holding the largest number of oversight hearings on agency budgets in recent memory. Despite increases in the committee's own budget which has been used for additional majority staffing, these hearings and the bipartisan subcommittee process on S. 1433 were accomplished without additional committee staff.

Because of the consultations undertaken by Senators KERRY and BROWN, S. 1433 is unlikely to require numerous amendments or extended discussion, as have State Department authorizations in recent years.

Mr. President, I regret that this legislation has, to a great extent, been held hostage to the foreign aid authorization bill. The Foreign Relations Committee reported the foreign assistance bill, S. 1435, with provisions so objectionable to the administration that President Bush has threatened to veto it. Knowing the strong opposition of U.S. taxpayers to the idea of foreign aid, it was determined that the Foreign Relations authorization, S. 1433 should be delayed until the Senate had acted on foreign aid.

Nevertheless, the Senate has, at last, been able to bring up the Foreign Relations authorization. As we begin consideration, let me outline a few key issues in S. 1433 with which the Senate will be dealing.

COST OF THE BILL

Mr. President, S. 1433 authorizes a total of $5,987,370,000 for fiscal year 1992 and $5,484,071,000 in 1993. The 1992 figures represent an increase of $1,190,199,000 over 1991 appropriation levels, an increase of 21.7 percent. This is probably enough to give most Senators what car buyers call sticker shock.

The committee has been assured that this huge increase represents a number of one-time authorizations. For example, in accordance with administration requests, the Foreign Relations Committee authorized 4 years worth of so-called arrearages to the United Nations. This is money the U.S. Government correctly withheld during the 1980's because of the abuse heaped upon the United States combined with bloated U.N. bureaucracies and reckless spending.

Overlooking the fact that the United States has surely not received sufficient good service to cover the United Nation's past sins, Congress responded favorably to the President's request to begin repayment of so-called arrearages in the current fiscal year. Having taken that pill, the administration says it wants to ease the job of the Foreign Relations Committee by sparing it from authorizing these so-called arrears for each of the next 4 fiscal years.

Let me say, Mr. President, this Senator, the ranking member of the Foreign Relations Committee, is totally opposed to dumping more money in the United Nations and I do not think we ought to pay the arrearages which occurred in the first place because of the incompetence and failures of the United Nations. But that is a decision made by the majority and once again I am in the minority.

In my case, Mr. President, the result is a lump sum authorization of $1,327,333,000 in authorization for international organizations this year, an increase of $417,428,000 or 45.9 percent over current year appropriations. In 1993, the committee recommends authorization of $824,034,000. Judging from the patterns of recent years, I would not be surprised if the administration comes back to Congress for supplemental authority for 1993.

Let me say for the record right now that I am far from convinced that the United Nations is prepared to remain faithful to zero growth budgets, such as those produced in recent years.

Mr. President, authorization levels in S. 1433 also reflect significant increases for the State Department. The committee has authorized $2,629,935,000 for 1992. That represents an increase of 19.6 percent or $430,882,000 over 1991 appropriations, while the U.S. economy is in such desperate shape and while the Federal deficit is moving toward $4 trillion.

For example, the bill provides $1.743 billion for salaries and expenses at the State Department, an increase of $141 million—or 8.8 percent over appropriations levels for the current fiscal year. That increase is more than twice the rate of inflation and is largely caused by enormous salary increases for Senior Foreign Service officers and members of the Senior Executive Service.

Many of these increases are as high as 22 percent. You can imagine how John Q. Public feels when he learns about things like that throughout this Federal Government.

Other significant increases in the cost of S. 1433 for the State Department include an added $162.468 million for acquisition and maintenance of buildings abroad, an increase of 71.4 percent over 1991 appropriations. Migration and refugee assistance has been increased by $114,352,000 over last year's appropriated levels. That is an increase of 23.5 percent. Mr. President, there are even rumors to the effect that even larger increases may be proposed during consideration of this bill. I support assistance to needy people, but I am just as committed to offsetting increases within S. 1433, as was done in subcommittee and committee.

There is, however, one vital area of the State Department which is significantly underauthorized. That is the Office of the Inspector General. Sherman Funk has been an outstanding incumbent in that position and Congress reposes much confidence in the gentleman. In fact, S. 1433 requests or mandates a number of studies to be done by this highly effective office. While quick to authorize new exchange programs and costly increases in other programs, I hope that the committee will demonstrate equal zeal for the Inspector General's Office today and in conference.

Mr. President, the June–July edition of State magazine, which is for employees to the State Department, features an interesting interview with the former Under Secretary for Management, Ivan Selin. Senators should know that the State Department has convinced itself that it is operating under a draconian budget, and so one section of the interview has the headline, "forced penny-pinching."

I cannot help chuckling when I think of a title like that referring to the expenditures by the U.S. State Department, for that matter any other Department of the Federal Government.

Mr. Selin is asked about the State Department budget, "Will it be the same situation year after year?" Mr. Selin begins his answer with a rhetorical question and I think it was a good one, "Will we ever have enough money? The answer is absolutely not."

Diogenes can put out his lantern. Here is an honest man.

Then Mr. Selin made some very pertinent observations, which ought to be part of the RECORD as we consider this bill. He said, "No company would do what we do. They would lay off people, close unprofitable plants, take the hit against earnings, and then operate within their resources in the next few years."

Of course, Mr. President, but let me continue to quote Mr. Ivan Selin.

Mr. Selin continued, "although resources are grossly inadequate, there's still a lot of wastage. We can't hit Defense Department standards, probably, but they're at a much larger scale than we are. No bureau that has ever been founded in the State Department has been abolished * * * staffing of embassies has not really been seriously reconsidered since after the war. * * *"

I guess he meant World War II.

Mr. President, I hope you will pay close attention to the concluding comment of Mr. Ivan Selin.

Mr. President, Mr. Selin concluded with these comments, "But the answer is that, No. 1, we don't have enough money * * * and No. 2, we can get a little more * * *. No. 3, we have the responsibility to do a lot better in using the resources we have than in the past. I'm just talking about identifying priorities and getting rid of lower priorities, so that adequate resources can be put on the higher priorities. We do have the tools to do that, and generally, we have the authority to do that, and we're starting to do it."

During 2 years at the State Department, Ivan Selin had taken some steps to cut costs. Unfortunately, this Senator does not see substantial reductions reflected in the administration's budget request. And, despite successful efforts of the International Operations Subcommittee to keep Senate authorization figures below those of the House of Representatives, rapidly increasing State Department budgets ought to be the central focus of cost control efforts of the Foreign Relations Committee in the future. In the short term, Mr. President, the Senate should hold the line on committee reported numbers during conference deliberations.

Ivan Selin has departed the State Department to manage the Nuclear Regulatory Commission. The Washington Post featured several recent comments of Mr. Selin, as he compared the State Department to rationally managed organizations—maybe the word ought to be "contrasted." Commenting on his new post, Mr. Selin said, "Compared to State, where you have no confidence that doing a better job will lead to better performance, it's pretty straightforward." He was then asked if he found his job at State difficult, and Mr. Selin replied, "The State Department is easy, because standards of acceptable management are so low."

Mr. President, in the letter received from the State Department with comments on S. 1433 are a number of critical statements regarding the bill's attitude toward State Department management and personnel policies. These generally ask Congress to trust the State Department, and to wait patiently for the State Department to report—after the fact—what it has been doing on these topics.

Ivan Selin's expert testimony does little to instill congressional confidence in the State Department. The traditional haughtiness of that Department is fundamentally out of step with the concerns of the American people, this Senator believes, and of Congress, this Senator hopes. The time has come for the State Department to quit behaving as an elitist club that can stand above the U.S. taxpayer or the Congress.

APPROPRIATIONS IN EXCESS OF AUTHORIZATION

Mr. President, in addition to my concern about the size of the authorizations contained in S. 1433, I am concerned that the authorization bill passed by the other body (H.R. 1415) is even more costly. Moreover, current indications are that the Commerce, Justice, State Department appropriations bill, which will be considered shortly, exceeds amounts authorized in S. 1433.

At this point, I just want Senators to be alerted to the possible disparity. While some public figures are claiming that deep cuts have been inflicted in nondefense spending, the opposite is the case. As the gap between cost-cutting rhetoric and runaway spending widens, I believe the American people will have no choice but to resolve this contradition.

TWO-YEAR AUTHORIZATION

Mr. President, this year the Foreign Relations Committee departed from past practice by writing a 2-year bill for agencies and programs contained in S. 1433. Senators KERRY and BROWN sensibly reasoned that the past practice of 1-year authorizations have placed the Senate at a competitive disadvantage with the other body during conference deliberations. S. 1433 rectifies that problem and should strengthen the Senate's position.

Mr. President, in a specific area—authorization of appropriations for the U.S. Information Agency—the Foreign Relations Committee's endorsement of a 2-year authorization is wise and necessary. The House of Representatives chose to authorize USIA for 1 year only.

At issue is the question of international broadcast policy. The Foreign Relations Committee strongly supports independence of the Voice of America and strengthening capacities of Radio Liberty while retaining functions of Radio Free Europe.

The other body may have no fear of a radical change in U.S. broadcast policy, especially to Central and Eastern Europe. Witnesses before the Foreign Relations Committee have verified that the new era of struggling governments, enjoying less control by Communist parties, need the model and encouragement of American broadcasts.

Despite requests from Central European chiefs of State, there is some indication that U.S. broadcasts may be scaled back. As a former journalist and broadcaster myself, Mr. President, I know that U.S. broadcasts provide important encouragement to govern-

ments which have shaken off Soviet colonial rule. In addition, free governments of the Baltic States and elected governments in the Soviet Union need the honest, professional broadcast services that the Voice of America and Radio Liberty provide.

A 2-year authorization for USIA is one of the best ways to preserve strong broadcast services to Central and Eastern Europe and other places. The Foreign Relations Committee has not hesitated to encourage formation of new broadcast services to underserved areas, or to reaffirm strong support for services such as Radio Free Afghanistan. A 2-year authorization must be preserved in conference.

MOSCOW EMBASSY

Mr. President, this Senator's position on reconstructing a secure new office building at the U.S. Embassy in Moscow are outlined extensively in the committee report (S. Rept. 102-98).

Subsequent to filing the report, the Subcommittee on Commerce, Justice, and State of the Appropriations Committee approved funding levels sufficient to tear down the current chancery building and replace it on the same site with a new, secure building. Thanks to the enlightened leadership of the Senator from South Carolina [Mr. HOLLINGS] the Senate has a chance to endorse the best Moscow construction option.

The fundamental issue in Moscow is the national security of the United States. It is well-known that the Soviet regime has stepped up efforts to spy on official Americans in the Soviet Union. As numbers of U.S. officials increase at the Moscow Embassy complex, the need for a completely new building increases as well.

Because Moscow Embassy construction is a national security issue, I do not believe a debate about relative costs should be the determining factor. No Senator is more committed to saving taxpayer funds than the senior Senator from North Carolina. But being penny-wise in Moscow will directly imperil vital U.S. national security interests. It is also important to recall that, while hard estimates have been made about the cost of tearing down the Moscow chancery building, ballpark estimates are as close as the advocates of the so-called top hat option can provide.

Since the Senate has no idea what the actual financial cost of the top hat construction option may be, arguments that it is necessarily cheaper than the teardown option must be discounted. However, we do know that top hat entails security costs. The top hat solution simply does not provide sufficient secure space for the near future. Therefore, if top hat is approved, Congress will have to authorize additional new secure space in just a few years.

In 1990, after a weak lobbying effort by the State Department on behalf of the teardown option, the Foreign Relations Committee voted to postpone a choice of construction options for Moscow. Writing in the committee report (S. Rept. 101-334) to accompany S. 2749, the supplement authorization for the State Department, majority authors noted that, "the expenditure of more than one-quarter of a billion dollars on tearing down an existing building would be an advertisement of American incompetence * * *."

Mr. President, there is considerable truth in that statement. But the time has come to bypass issues of unprosecuted malfeasance and misfeasance on the part of the State Department and other agencies. Congress has played a role by failing to force a construction solution before now. The Senate can insist that the State Department and other elements of the administration do the right thing by tearing down the existing building and reconstructing on the same site, or it can save face for the State Department.

Mr. President, Americans are not incompetent, but they are sick and tired of inaction on the Moscow Embassy. A member of the Foreign Relations Committee staff visited Moscow in May to review the situation. He found a universal desire to end the impasse and by tearing down the existing building. The verdict tracks closely the general message given to the Subcommittee on International Operations in two classified hearings held before marking up S. 1433.

It is time for Congress to prove it can decide between construction options during the 102d Congress. Moreover, it is my hope that the administration will commit itself to completing the project by the end of 1995—a target which can be reached and which offers the best chance of precluding further Soviet undermining of our best efforts.

Mr. President, the correct action of the Appropriations Subcommittee may need the reinforcement of a strong vote in favor of the so-called teardown option during consideration of S. 1433. That could provide effective ammunition for the conference on this bill, and could convince the other body—which, on May 15, narrowly approved a provision delegating a decision back to the State Department. If that action is recommended, this Senator from North Carolina promises enthusiastic support.

U.N. SYSTEM FUNDING

Mr. President, my position on the more than $1 billion in authorization to be provided to the United Nations and its affiliated agencies is outlined in my additional views. At this point, let me commend the International Operations Subcommittee of the Foreign Relations Committee for beginning serious oversight efforts of U.N. system funding. Chairman JOHN KERRY and ranking Republican HANK BROWN have done more than has been done in recent memory to create a public record on vital U.N. issues.

President Bush has determined that the United States will pay assessed contributions—25 percent of the general budget and 30.7 percent for peacekeeping activities—so-called arrearages, and, of course, very generous voluntary contributions. The original version of the Kassebaum-Solomon amendment provided the administration and Congress with guidelines to review U.N. compliance with fundamental budgetary, personnel, and organizational reforms. This year, a version of the language which allows the United Nations more leeway is contained in S. 1433 and the companion measure from the other body.

Mr. President, for the sake of legislative history, I believe that Congress will insist that America's participation in the U.N. budget process be transparent—that is, that Congress know why the United States makes the decisions it does and how those decisions are carried out.

Certainly, President Bush's endorsement of full funding does not—and ought not—to be interpreted as a blank check for the United Nations. In many countries, the executive and legislative branches are one and the same. But in a country with a separation of powers, involvement by the Congress is a must, both for authorizing and appropriations committees. Therefore, not every recommendation may be greeted warmly without specific justification.

U.S. MISSION TO THE UNITED NATIONS

At several points in S. 1433, Mr. President, Senators will not references to management and operations at the U.S. mission to the United Nations in New York City. Although these items are in both legislative and report language (S. Rept. 102-98), I cannot help but express a sense of frustration that important issues there remain unresolved, or unexamined, 3 years into the Bush administration.

The mission to the United Nations is a hybrid: a domestic division of the Bureau for International Organization Affairs that considers itself an overseas post, a hardship location, and independent of most routine supervision. The mission is not and cannot be a law unto itself.

The majority of mission employees share none of the protections extended to the civil service. These employees are generally not in high-level positions. They are paid on a scale called GG—exempted from the civil service. Their best advocates within the State Department are the civil service ombudsman, John Byerly, and the inspector general of the State Department, Sherman Funk.

Most U.S. mission employees are civil servants, with job classifications GG, GS, or GM. However, the mission also contains a small contingent of Foreign Service officers.

Mr. President, an extraordinary amount of top management time has been devoted to recruiting and retaining foreign service officers. The Foreign Service personnel system seems not to be prepared to create meaningful noncash incentives to encourage officers to choose to the work at the New York Mission. Many Foreign Service officers who are used to five-star treatment during an overseas posting feel entitled to the similar perquisites if they are assigned to the U.S. mission to the United Nations.

For example, most Foreign Service officers at the U.S. mission believe they should live in close proximity to the United Nations, while the civil service employees reside throughout the New York metropolitan area. The Foreign Service seems to believe it is indispensable to the U.S. mission, and that special cash benefits should accrue to them while they are there. Extending the possibility of cash benefits to civil servants, Mr. President, does nothing to resolve the underlying problem. Perhaps the numbers of Foreign Service officers in New York should be reduced, or the current practice of assigning additional Foreign Service officers to the U.S. mission during the U.N. General Assembly should be expanded.

All employees at the U.S. mission are equally dedicated. Many are highly skilled and effective. Yet the tendency of the Foreign Service to be treated with kid gloves is a threat to morale. For example, after the State Department's inspector general recommended that the Administrative Counselor at the mission be drawn from among competent civil servants, mission management insisted on putting a Foreign Service officer in that position.

I have heard the complaints of Foreign Service officers at the U.S. mission. They feel the U.S. Government, and even the Congress, has let them down by denying them compensatory benefits to make service in New York easier. Some concerns have merit. Mr. President, 2 years ago the Senate considered the Foreign Relations Authorization Act. Since that time there has been plenty of time for the Bureau of International Organization Affairs, working with Congress, to list agreed problems at the U.S. mission and propose realistic solutions. Yet the impasse continues.

President Bush's increasing reliance on the United Nations and other multilateral organizations means that the United States must have a highly motivated, effective mission to the United Nations. The recommendations and legislative history contained in S. 1433 seek to promote this kind of progress, in part by signaling a congressional desire for a partnership to make mission improvements happen.

NATIONAL ENDOWMENT FOR DEMOCRACY

Mr. President, section 208 of S. 1433 includes some relatively mild provisions to get the attention of the National Endowment for Democracy and its affiliated institutes. With broad bipartisan support, these are attempts to get the NED and its institutes to engage in a confidence-building program with Congress.

At a minimum, these provisions communicate the interest of Senators to be included in the way the Endowment and core institutes programs, audits and evaluation public funds. This includes the senior Senator from North Carolina and the minority staff of the Committee on Foreign Relations.

Since 99 percent of NED funding originates from the U.S. taxpayer, there is sense of Congress legislation urging the endowment to raise more money privately. Congress intends that the NED and core institutes become less elitist and more transparent. Operating procedures seem inbred and secretive, its self-evaluation of projects may be biased. Programs and priorities are all cleared by the State Department. Only the NED and its institutes can reconstruct confidence with the Congress.

DEADLINE FOR RESPONSES TO CONGRESSIONAL INQUIRIES

Mr. President, to establish some legislative history on Section 127 of S. 1433, this section is based on an amendment offered by the Senator from South Dakota [Mr. PRESSLER] in response to broad concern about delays and nonanswers to proper committee inquiries.

Oversight hearings, and especially nomination hearings, require that the committee obtain answers and documents to evaluate policies, practices and employment histories. When complete, timely answers are not received, the Foreign Relations Committee and other congressional committees are forced to take actions to signal displeasure. Section 127 represents an attempt to codify a reasonable procedure whereby the executive branch and Congress can cooperate more fully on these key items of concern.

REIMBURSEMENT OF PRIVATE CITIZEN VISITS TO THE U.N.

Section 143(b), if enacted, would set a perilous precedent by permitting reimbursement of security costs associated with protecting private citizens who visit the United Nations or its affiliated agencies. Specifically, it could permit the State Department to reimburse New York City for protecting Mr. Nelson Mandela in 1990. But it could as easily extend to visits of Mother Theresa, the Dalai Lama, or many other private celebrities.

If not stricken from the bill, it is the hope of this Senator that this provision be interpreted extemely narrowly and, if possible, to apply to a single claim only.

STATE DEPARTMENT PERSONNEL STUDY

Four years ago, Mr. President, Congress believed that the large number of serious personnel problems within the Foreign Service could best be remedied by creating a special Commission of experts and relying on their recommendations. The result was the Thomas Commission, which made its written report in 1989. To date the State Department has applied some of the Commission's recommendations selectively.

Section 152 recognizes that problems exist, and will continue to exist. By creating a Commission of personnel experts, Congress intends to build an information base by which it may fine tune personnel law and procedures in the future. Following enactment of the Thomas Commission the State Department created a competitive Commission. Working simultaneously on similar issues to the Thomas Commission, the duplicative Bremer Commission clouded Thomas Commission recommendations and permitted the State Department to pick and choose between recommendations depending on which were less sweeping.

Mr. President, it is the intent of Congress that a duplicative Commission not be created once the Commission in section 152 is set up. It is clear that the State Department would rather have no Commission at all. In-house personnel studies occur constantly, supplemented by independent recommendations of the Inspector General and civil service ombudsman. The Commission authorized in section 152 is not intended to duplicate work, but should provide useful recommendations to the Congress and the State Department about key personnel questions.

The State Department alleges that in-house personnel studies are so numerous and excellent that Congress should rely on their results. However, Mr. President, the persistence of personnel complaints and problems means that Congress must have additional and independent expert opinion in order to make the best policy.

REPORT ON UNESCO

Mr. President, section 167 mandates an update on the report of Unesco authorized in Public Law 101-246. The earlier study, a joint recommendation of myself and the Senator from New York [Mr. MOYNIHAN] produced a strong report from the administration to the effect that Unesco practices and budgeting still are significantly out of step with reform guidelines used by the U.S. Government. From the credible information I have received, this Senator doubts that the report authorized in this section will find more than cosmetic and rhetorical reforms. However, an updated study is worth the effort.

HOUSING BENEFITS

Section 170 of S. 1433 is similar to a provision contained in the House-passed authorization bill sponsored by

Representative KASICH of Ohio, dealing with the housing program for some employees of the U.S. mission to the United Nations. While some improvement was made by virtue of an agreement struck between the Appropriations Committee and the former U.S. permanent representative, General Walters, persistent complaints continue.

A study of housing needs and problems, with recommendations to the Congress for improvement, can finally begin to resolve these issues. This Senator believes that problems have persisted in large measure because of the conviction by mission management that it alone understood the needs and has the best grasp on solutions. A study conducted by the Bureau for International Organization Affairs, therefore, can be the cornerstone for a long-term resolution.

BALTIC INITIATIVE

Section 903 represents continuing slow progress in a direction that brings diplomatic representation into line with United States policy when it comes to the illegally occupied Baltic States of Estonia, Latvia, and Lithuania. It represents the work of the Senator from South Dakota [Mr. PRESSLER], the Senator from Illinois [Mr. SIMON], and the Senator from Colorado [Mr. BROWN].

Soviet colonial forces have failed to subjugate the noble, freedom-loving peoples of these independent republics after more than 50 years.

Despite American refusal to accept, de jure, the legality of Soviet occupation, the State Department's enthusiasm for the Gorbachev regime has constrained its actions, de facto.

Mr. President, section 903 is a modest attempt to promote consistent policy. It is not enough to have circuit riding diplomats working out of the St. Petersburg consulate or the Moscow Embassy. Even regular, brief visits to the occupied states will not establish the kind of diplomatic presence Americans demand. It is regrettable, Mr. President, that Iceland and a number of other countries are engaged at a higher diplomatic level in the Baltic Republics than is the United States.

FOREIGN RELATIONS OF THE U.S. HISTORICAL SERIES

Finally, Mr. President, I am pleased that the bill contains a section concerning the foreign relations of the U.S. historical series and the declassification of State Department records after 30 years.

I commend the chairman of the committee for his leadership on this important matter which is of concern to all Americans.

I hope that this legislation will contribute significantly to informed public debate about the foreign policy of these United States in the years to come.

Those who come after us deserve to know the truth about the foreign policy of their country.

On October 19 of last year, the Senate adopted S. 3225 which was similar to the language of this section. I was a cosponsor of this legislation as was the ranking member of the Intelligence Committee, the distinguished Senator from Maine [Mr. COHEN] and the chairman of that committee, the distinguished Senator from Oklahoma [Mr. BOREN]. Needless to say, the Foreign Relations Committee and the Intelligence Committee closely collaborated on this legislation and the staff of the respective committees worked very hard and very effectively on a bipartisan basis.

Mr. President, foreign policy has consequences of which peace and war are the most important to the Nation. Without a sound foreign policy, our Nation cannot long remain secure.

Without informed public debate about our foreign policy, our liberties and our way of life cannot long remain secure.

Without informed public debate about our foreign policy, the checks and balances envisioned by the Framers of the Constitution cannot perform their intended function.

Mr. President, informed public debate is a powerful check against the exercise of arbitrary power.

Mr. President, nothing is more important to informed public debate about our foreign policy than public access to historical records.

The Foreign Relations of the U.S. historical series was first published in 1862 and has been regularly published since. The series is a fundamental primary source of official documents which provide legislators, scholars, journalists, and private citizens with critical information about the formulation of the foreign policy of the United States.

The legislation before us, for the first time since the inception of the series, creates a legislative charter for the Department of State's published historical record. The legislation requires that the series be brought up to a 30-year standard for the series after a 5-year transition period and for the declassification of State Department records after a 2-year transition period.

I would have preferred a 15-year or 20-year standard. In my view, too much about our foreign policy is hidden for too long from public scrutiny. The first volume of the series in 1862 published documents that were 1 year old.

The legislation recognizes that there may have to be certain exemptions from declassification even after 30 years. Criteria for such exemptions are stated. While these exemptions may need to be applied in some cases it is the intent of this legislation that they will be used sparingly, on an item-by-item and document-by-document basis. These exemptions do not provide a justification for wholesale withholding of entire categories or lots or records and let the record be very clear about this significant point.

This Republic can ill afford to have its foreign policy held captive by a self-perpetuating power elite. For far too long the foreign policy of these United States has been unduly influenced by and controlled by what has come to be called the Eastern Establishment. This complex concentration of financial and intellectual power all but seized control of our foreign policy in the wake of World War I and has maintained its grip on the foreign policy decisionmaking of this country ever since.

I hope that increased access to the records of the Department of State will provide a check to the exercise of unrestrained power over our foreign policy decisionmaking by the Eastern Establishment.

AMENDMENT NO. 876

(Purpose: To establish sanctions against the use of chemical and biological weapons in violation of international law and to establish sanctions against illicit chemical and biological weapons related transfers)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for himself and Mr. HELMS, proposes an amendment numbered 876.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new title:

TITLE X—CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Chemical and Biological Weapons Control and Warfare Elimination Act of 1991".

SEC. 1002. PURPOSES.

The purposes of this title are—

(1) to mandate United States sanctions, and to encourage international sanctions, against countries that use chemical or biological weapons in violation of international law or use lethal chemical or biological weapons against their own nationals, and to impose sanctions against companies that aid in the proliferation of chemical and biological weapons;

(2) to support multilaterally coordinated efforts to control the proliferation of chemical and biological weapons; and

(3) to urge continued close cooperation with the Australia Group and cooperation with other supplier nations to devise ever more effective controls on the transfer of materials, equipment, and technology applicable to chemical or biological weapons production; and

(4) to require Presidential reports on efforts that threaten United States interests or regional stability by Iran, Iraq, Syria, Libya, and others to acquire the materials and technology to develop, produce, stockpile, deliver, transfer, or use chemical or biological weapons.

Subtitle A—Measures To Prevent the Proliferation of Chemical and Biological Weapons

SEC. 1021. MULTILATERAL EFFORTS.

(a) MULTILATERAL CONTROLS ON PROLIFERATION.—It is the policy of the United States to seek multilaterally coordinated efforts with other countries to control the proliferation of chemical and biological weapons. In furtherance of this policy, the United States shall—

(1) promote agreements banning the transfer of missiles suitable for armament with chemical or biological warheads;

(2) set as a top priority the early conclusion of a comprehensive global agreement banning the use, development, production, and stockpiling of chemical weapons;

(3) seek and support effective international means of monitoring and reporting regularly on commerce in equipment, materials, and technology applicable to the attainment of a chemical or biological weapons capability; and

(4) pursue and give full support to multilateral sanctions pursuant to United Nations Security Council Resolution 620, which declared the intention of the Security Council to give immediate consideration to imposing "appropriate and effective" sanctions against any country which uses chemical weapons in violation of international law.

(b) MULTILATERAL CONTROLS ON CHEMICAL AGENTS, PRECURSORS, AND EQUIPMENT.—It is also the policy of the United States to strengthen efforts to control chemical agents, precursors, and equipment by taking all appropriate multilateral diplomatic measures—

(1) to continue to seek a verifiable global ban on chemical weapons at the 40 nation Conference on Disarmament in Geneva;

(2) to support the Australia Group's objective to support the norms and restraints against the spread and the use of chemical warfare, advance the negotiation of a comprehensive ban on chemical warfare by taking appropriate measures, and to protect the Australia Group's domestic industries against inadvertent association with supply of feedstock chemical equipment that could be misused to produce chemical weapons;

(3) to implement paragraph (2) by proposing steps complementary to, and not mutually exclusive of, existing multilateral efforts seeking a verifiable ban on chemical weapons, such as the establishment of—

(A) a harmonized list of export control rules and regulations to prevent relative commercial advantage and disadvantages accruing to Australia Group members,

(B) liaison officers to the Australia Group's coordinating entity from within the diplomatic missions,

(C) a close working relationship between the Australia Group and industry,

(D) a public unclassified warning list of controlled chemical agents, precursors, and equipment,

(E) information-exchange channels of suspected proliferants,

(F) a "denial" list of firms and individuals who violate the Australia Group's export control provisions, and

(G) broader cooperation between the Australia Group and other countries whose political commitment to stem the proliferation of chemical weapons is similar to that of the Australia Group; and

(4) to adopt the imposition of stricter controls on the export of chemical agents, precursors, and equipment and to adopt tougher multilateral sanctions against firms and individuals who violate these controls or against countries that use chemical weapons.

SEC. 1022. UNITED STATES EXPORT CONTROLS.

(a) IN GENERAL.—The President shall—

(1) use the authorities of the Arms Export Control Act to control the export of those defense articles and defense services, and

(2) use the authorities of the Export Administration Act of 1979 to control the export of those goods and technology,

that the President determines would assist the government of any foreign country in acquiring the capability to develop, produce, stockpile, deliver, or use chemical or biological weapons.

(b) EXPORT ADMINISTRATION ACT.—Section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405), as amended by the preceding provisions of this Act, is further amended.

(1) by redesignating subsections (m) through (s) as subsections (n) through (t), respectively; and

(2) by inserting after subsection (l), as added by section 302 of this Act, the following:

"(m) CHEMICAL AND BIOLOGICAL WEAPONS.—

"(1) ESTABLISHMENT OF LIST.—The Secretary, in consultation with the Secretary of State, the Secretary of Defense, and the heads of other appropriate departments and agencies, shall establish and maintain, as part of the list maintained under this section, a list of goods and technology that would directly and substantially assist a foreign government or group in acquiring the capability to develop, produce, stockpile, or deliver chemical or biological weapons, the licensing of which would be effective in barring acquisition or enhancement of such capability.

"(2) REQUIREMENT FOR VALIDATED LICENSES.—The Secretary shall require a validated license for any export of goods or technology on the list established under paragraph (1) to any country of concern.

"(3) COUNTRIES OF CONCERN.—For purposes of paragraph (2) and section 10(r), the term 'country of concern' means any country other than—

"(A) a country with whose government the United States has entered into a bilateral or multilateral arrangement for the control of goods or technology on the list established under paragraph (1); and

"(B) such other countries as the Secretary of State, in consultation with the Secretary and the Secretary of Defense, shall designate consistent with the purposes of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.".

SEC. 1023. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.

"(a) AMENDMENT TO EXPORT ADMINISTRATION ACT.—The Export Administration Act of 1979 is amended by inserting after Section 11B the following:

"CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION SANCTIONS

"SEC. 11B. (a) IMPOSITION OF SANCTIONS.—

"(1) DETERMINATION BY THE PRESIDENT.—(A) Except as provided in subsection (b)(2), the President shall impose both of the sanctions described in subsection (c) if the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly and materially contributed—

"(A) through the export from the United States of any goods or technology that are subject to the jurisdictdion of the United States under this Act, or

"(B) through the export from any other country of any goods or technology that would be, if they were United States goods or technology, subject to the jurisdiction of the United States under this Act,

to the efforts by any foreign country described in paragraph (2) to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

"(2) COUNTRIES RECEIVING ASSISTANCE.—Paragraph (1) applies in the case of—

"(A) any foreign country that the President determines has, at any time after January 1, 1990—

"(i) used chemical or biological weapons in violation of international law;

"(ii) used lethal chemical or biological weapons against its own nationals; or

"(iii) made substantial preparations to engage in the activities described in clause (i) or (ii); or

"(B) any foreign country whose government is determined for purposes of section 6(j) of this Act to be a government that has repeatedly provided support for acts of international terrorism.

"(3) PERSONS AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.—Sanctions shall be imposed pursuant to paragraph (1) on—

"(A) the foreign person with respect to which the President makes the determination described in that paragraph;

"(B) any successor entity to that foreign person;

"(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

"(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in that activities which were the basis of that determination and if that affiliate is controlled in fact by the foreign person.

"(b) CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

"(1) CONSULTATIONS.—If the President makes the determinations described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section.

"(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue each consultations with that government, the President may delay imposition of sanctions pursuant to this section for a period of up to 90 days. Following these consultations, the President shall impose sanctions unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1).

"(3) REPORT TO CONGRESS.—The President shall report to the Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

"(c) SANCTIONS.—

"(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, the following:

"(A) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods, or services from any person described in subsection (a)(3).

"(B) IMPORT SANCTIONS.—The importation into the United States of products produced by any person described in subsection (a)(3) shall be prohibited.

"(2) EXCEPTIONS.—The President shall not be required to apply or maintain sanctions under this section—

"(A) in the case of procurement of defense articles or defense services—

"(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

"(ii) if the President determines that the person or other entity to which the sanctions would otherwise be applied in a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

"(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose sanctions;

"(C) to—

"(i) spare parts,

"(ii) component parts, but not finished products, essential to United States products or production, or

"(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

"(D) to information and technology essential to United States products or production; or

"(E) to medical or other humanitarian items.

"(d) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government in its efforts to acquire chemical or biological weapons capability as described in that subsection.

"(e) WAIVER.—

"(1) CRITERION FOR WAIVER.—The President may waive the application of any sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

"(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

"(f) DEFINITION OF FOREIGN PERSON.—For the purposes of this section, the term 'foreign person' means—

"(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

"(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.".

(b) AMENDMENT TO ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended by inserting after chapter 7, the following:

"CHAPTER 8—CHEMICAL OR BIOLOGICAL WEAPONS PROLIFERATION

"SEC. 81. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.

"(a) IMPOSITION OF SANCTIONS.—

"(1) DETERMINATION BY THE PRESIDENT.—(A) Except as provided in subsection (b)(2), the President shall impose both of the sanctions described in subsection (c) if the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly and materially contributed—

"(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States,

"(B) through the export from any other country of any goods or technogy that would be, if they were United States goods or technology, subject to the jurisdiction of the United States, or

"(C) through any other transaction not subject to sanctions pursuant to the Export Administration Act of 1979,

to the efforts by any foreign country described in paragraph (2) to use, develop, produce, stockpile, or other-wise acquire chemical or biological weapons.

"(2) COUNTRIES RECEIVING ASSISTANCE.—Paragraph (1) applies in the case of—

"(A) any foreign country that the President determines has, at any time after January 1, 1980—

"(i) used chemical or biological weapons in violation of international law;

"(ii) used lethal chemical or biological weapons against its own nationals; or

"(iii) made substantial preparations to engage in the activities described in clause (i) or (ii); or

"(B) any foreign country whose government is determined for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)) to be a government that has repeatedly provided support for acts of international terrorism.

"(3) PERSONS AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.—Sanctions shall be imposed pursuant to paragraph (1) on—

"(A) the foreign person with respect to which the President makes the determination described in that paragraph;

"(B) any successor entity to that foreign person;

"(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

"(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

"(b) CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICATION.—

"(1) CONSULTATIONS.—If the President makes the determinations described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section.

"(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay imposition of sanctions pursuant to this section for a period of up to 90 days. Following these consultations, the President shall impose sanctions unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriation penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1).

"(3) REPORT TO CONGRESS.—The President shall report to the Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

"(c) SANCTIONS.—

"(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, the following:

"(A) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(3).

"(B) IMPORT SANCTIONS.—The importation into the United States of products produced by any person described in subsection (a)(3) shall be prohibited.

"(2) EXCEPTIONS.—The President shall not be required to apply or maintain sanctions under this section—

"(A) in the case of procurement of defense articles or defense services—

"(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

"(ii) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

"(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose sanctions;

"(C) to—

"(i) spare parts,

"(ii) component parts, but not finished products, essential to United States products or production, or

"(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

"(D) to information and technology essential to United States products or production; or

"(E) to medical or other humanitarian items.

"(d) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government in its efforts to acquire chemical or biological weapons capability as described in that subsection.

(e) WAIVER.—

"(1) CRITERION FOR WAIVER.—The President may waive the application of any sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

"(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

"(f) DEFINITION OF FOREIGN PERSON.—For the purposes of this section, the term 'foreign person' means—

"(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

"(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.".

Subtitle B—Sanctions Against the Use of Chemical and Biological Weapons

SEC. 1041. DETERMINATIONS REGARDING USE OF CHEMICAL OR BIOLOGICAL WEAPONS.

(a) DETERMINATION BY THE PRESIDENT.—

(1) WHEN DETERMINATION REQUIRED; NATURE OF DETERMINATION.—Whenever information becomes available to the executive branch indicating the substantial possibility that, on or after the date of the enactment of this Act, the government of a foreign country has made substantial preparation to use or has used chemical or biological weapons, the President shall, within 60 days after the receipt of such information by the executive branch, determine whether that government, on or after such date of enactment, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. Section 442 applies if the President determines that that government has so used chemical or biological weapons.

(2) MATTERS TO BE CONSIDERED.—In making the determination under paragraph (1), the President shall consider the following:

(A) All physical and circumstantial evidence available bearing on the possible use of such weapons.

(B) All information provided by alleged victims, witnesses, and independent observers.

(C) The extent of the availability of the weapons in question to the purported user.

(D) All official and unofficial statements bearing on the possible use of such weapons.

(E) Whether, and to what extent, the government in question is willing to honor a request from the Secretary General of the United Nations to grant timely access to a United Nations fact-finding team to investigate the possibility of chemical or biological weapons use or to grant such access to other legitimate outside parties.

(3) DETERMINATION TO BE REPORTED TO CONGRESS.—Upon making a determination under paragraph (1), the President shall promptly report that determination to the Congress. If the determination is that a foreign government had used chemical or biological weapons as described in that paragraph, the report shall specify the sanctions to be imposed pursuant to section 1042.

(b) CONGRESSIONAL REQUESTS; REPORT.—

(1) REQUEST.—The Chairman of the Committee on Foreign Relations of the Senate (upon consultation with the ranking minority member of such committee) or the Chairman of the Committee on Foreign Affairs of the House of Representatives (upon consultation with the ranking minority member of such committee) may at any time request the President to consider whether a particular foreign government, on or after the date of the enactment of this Act, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals.

(2) REPORT TO CONGRESS.—Not later than 60 days after receiving such a request, the President shall provide to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives a written report on the information held by the executive branch which is pertinent to the issue of whether the specified government, on or after the date of the enactment of this Act, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. This report shall contain an analysis of each of the items enumerated in subsection (a)(2).

SEC. 1042. SANCTIONS AGAINST USE OF CHEMICAL OR BIOLOGICAL WEAPONS.

(a) SANCTIONS.—If, at any time, the President makes a determination pursuant to section 441(a)(1) with respect to the government of a foreign country, the President shall forthwith impose the sanctions set forth in the following paragraphs:

(1) FOREIGN ASSISTANCE.—The United States Government shall terminate assistance to that country under the Foreign Assistance Act of 1961, except for urgent humanitarian assistance and food or other agricultural commodities or products.

(2) ARMS SALES.—The United States Government shall terminate—

(A) sales to that country under the Arms Export Control Act of any defense articles, defense services, or design and construction services, and

(B) licenses for the export to that country of any item on the United States Munitions List.

(3) ARMS SALES FINANCING.—The United States Government shall terminate all foreign military financing for that country under the Arms Export Control Act.

(4) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The United States Government shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by international financial institutions.

(5) DENIAL OF UNITED STATES GOVERNMENT CREDIT OR OTHER FINANCIAL ASSISTANCE.—The United States Government shall deny to that country any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, including the Export-Import Bank of the United States.

(6) BANK LOANS.—The United States Government shall prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities or products.

(7) EXPORTS OF NATIONAL SECURITY-SENSITIVE GOODS AND TECHNOLOGY.—The authorities of section 6 of the Export Administration Act of 1979 (50 U.S.C. 2405) shall be used to prohibit the export to that country of any goods or technology on that part of the control list established under section 5(c)(1) of that Act (22 U.S.C. 2404(c)(1)).

(8) FURTHER EXPORT RESTRICTIONS.—The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to that country of all other goods and technology (excluding food and other agricultural commodities and products).

(9) IMPORT RESTRICTIONS.—Restrictions shall be imposed on the importation into the United States of articles (which may include petroleum or any petroleum product) that are the growth, product, or manufacture of that country.

(10) LANDING RIGHTS.—At the earliest practicable date, the United States Government shall terminate, consistent with international law, the authority of any air carrier which is controlled in fact by the government of that country to engage in air transportation (as defined in section 101(10) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(10))).

(b) REMOVAL OF SANCTIONS.—The President shall remove the sanctions imposed with respect to a country pursuant to this section if the President determines and so certifies to the Congress, after the need of the 12-month period beginning on the date on which sanctions were initially imposed on that country pursuant to subsection (a), that—

(1) the government of that country has provided reliable assurances that it will not use chemical or biological weapons in violation of international law and will not use lethal chemical or biological weapons against its own nationals;

(2) that government is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals;

(3) that government is willing to allow on-site inspections by United Nations observers or other internationally recognized, impartial observers to verify that it is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals, or other reliable means exist to verify that it is not making such preparations; and

(4) that government is making restitution to those affected by any use of chemical or biological weapons in violation of international law or by any use of lethal chemical or biological weapons against its own nationals.

(d) WAIVER.—

(1) CRITERIA FOR WAIVER.—The President may waive the application of any sanction imposed with respect to a country pursuant to this section—

(A) after the end of the 12-month period beginning on the date on which sanctions were initially imposed on that country, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States; or

(B) at any time, if the President determines and certifies to the Congress that there has been a fundamental change in leadership and policies of the government of that country.

(2) REPORT.—In the event that the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating

the rationale and circumstances which led the President to exercise that waiver authority.

(e) CONTRACT SANCTITY.—

(1) SANCTIONS NOT APPLIED TO EXISTING CONTRACTS.—(A) A sanction described in any of paragraphs (4) through (9) of subsection (a) shall not apply to any activity pursuant to any contract or international agreement entered into before the date of the presidential determination under section 441(a)(1) unless the President determines, on a case-by-case basis, that to apply such sanction to that activity would prevent the performance of a contract or agreement that would have the effect of assisting a country in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals.

(B) The same restrictions of subsection (p) of section 6 of the Export Administration Act of 1979 (50 U.S.C. 2405), as that subsection is so redesignated by the preceding provisions of this Act, which are applicable to exports prohibited under section 6 of that Act shall apply to exports prohibited under subsection (a)(7) or (a)(8) of this section. For purposes of this subparagraph, any contract or agreement the performance of which (as determined by the President) would have the effect of assisting a foreign government in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals shall be treated as constituting a breach of the peace that poses a serious and direct threat to the strategic interest of the United States, within the meaning of subparagraph (A) of section 6(p) of that Act.

(2) SANCTIONS APPLIED TO EXISTING CONTRACTS.—The sanctions described in paragraphs (1), (2), and (3) of subsection (a) shall apply to contracts, agreements, and licenses without regard to the date the contract or agreement was entered into or the license was issued (as the case may be), except that such sanctions shall not apply to any contract or agreement entered into or license issued before the date of the presidential determination under section 441(a)(1) if the President determines that the application of such sanction would be detrimental to the national security interests of the United States.

Subtitle C—Reporting Requirements

SEC. 1061. PRESIDENTIAL REPORTING REQUIREMENTS.

(a) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, and every 12 months thereafter, the President shall transmit to the Congress a report which shall include—

(1) a description of the actions taken to carry out this title, including the amendments made by this title;

(2) a description of the current efforts of foreign countries and subnational groups to acquire equipment, materials, or technology to develop, produce, or use chemical or biological weapons, together with an assessment of the current and likely future capabilities of such countries and groups to develop, produce, stockpile, deliver, transfer, or use such weapons;

(3) a description of—

(A) the use of chemical weapons by foreign countries in violation of international law,

(B) the use of chemical weapons by subnational groups,

(C) substantial preparations by foreign countries and subnational groups to do so, and

(D) the development, production, stockpiling, or use of biological weapons by foreign countries and subnational groups; and

(4) a description of the extent to which foreign persons or governments have knowingly and materially assisted third countries or subnational groups to acquire equipment, material, or technology intended to develop, produce, or use chemical or biological weapons.

(b) PROTECTION OF CLASSIFIED INFORMATION.—To the extent practicable, reports submitted under subsection (a) or any other provision of this title should be based on unclassified information. Portions of such reports may be classified.

Mr. PELL. Mr. President, I am now offering an amendment incorporating the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991. This amendment was adopted unanimously by the Senate in similar form last October and again last February following a Presidential veto as an amendment to the Omnibus Export Amendments Act of 1991. For reasons not related to this amendment, that bill is not progressing in the House. I am proposing the amendment today, together with my fellow author, the Senator from North Carolina [Mr. HELMS] in order to get this vital legislation into law.

The Senate bill which formed the basis for the amendment was approved by the Senate last May in a 92-to-0 vote.

Mr. President, this is crucially important legislation. It deals with a problem of central importance at this time—the spread of chemical and biological weapons. Earlier this year, we went through the experience of Desert Storm, during which the sons, daughters, and spouses of America were threatened by the possibility of attack with poison gas. This amendment is designed to prevent the Saddam Husseins of the world from ever threatening us again with such weapons.

The underlying and simple message of the chemical and biological weapons control legislation is that the United States, which has foresworn the use of chemical and biological weapons, will do its utmost to erect effective barriers against the illegal use of chemical and biological weapons and against illicit commerce that contributes to the development of these weapons. Before proceeding further, I would like to congratulate the President for two recent actions this spring. He has foresworn the retaliation with chemical weapons if we are attacked with chemical weapons, and he stated our willingness to destroy all our chemical stockpiles, including the 2-percent-residual stockpile.

The chemical weapons title has two major purposes:

To establish sanctions against countries that use chemical or biological weapons in violation of international law or use lethal chemical or biological weapons against their own citizens.

To establish sanctions against foreign companies that assist certain countries in acquiring a chemical or biological weapons capability.

These are the principal provisions of the chemical weapons title:

Whenever information becomes available that a country may have used chemical or biological weapons, the President shall, within 60 days, make a determination as to whether such weapons have been used by a nation in violation of international law or against its own citizens.

Not later than 60 days after receipt of a request by the chairman of the Senate Foreign Relations Committee or the House Foreign Affairs Committee, acting after consultation with the ranking minority members, the President must report back to the committees as to whether a country has used such weapons.

If the President determines that a country has used chemical or biological weapons in violation of international law or has used lethal chemical weapons or biological weapons against its own citizens, the President shall impose specific sanctions.

A country sanctioned for chemical or biological weapons use would automatically face immediate imposition of these 10 sanctions:

Termination of U.S. assistance under the Foreign Assistance Act of 1961;

Termination of U.S. Government or commercial arms sales;

Termination of arms sales financing;

U.S. opposition to loans by international financial institutions;

Denial of U.S. Government credit including credit through the U.S. Eximbank;

Prohibition of loans or credit from U.S. banks;

Prohibition of the export of controlled dual-use goods and technology;

Prohibition of the export of other goods and technology;

Restrictions on imports from the sanctioned nation; and

Termination of landing rights in the United States.

There are appropriate exceptions for humanitarian assistance, food, and agricultural products. Provision is made for contract sanctity. In the earlier version of the bill, the President was required to impose only 6 of 11 sanctions. In this amendment, 10 sanctions are required both as a reflection of the Desert Storm threat and because the Senate disagreed with the House in preferring the imposition of all specified sanctions.

The sanctions must remain in effect for at least 1 year before being waived or removed unless there has been a fundamental change in leadership and policy in the country that used chemical weapons.

Sanctions would be imposed on foreign companies which knowingly and materially contribute to efforts to use,

develop, produce, stockpile, or otherwise acquire chemical or biological weapons by any country that the President has determined has since January 1, 1980—

Used chemical or biological weapons in violation of international law;

Used lethal chemical or biological weapons against its own nationals;

Made substantial preparations to do the described activities; and

Been designated pursuant to section 6(j) of the Export Administration Act of 1979 as a country which supports international terrorism.

Sanctions would include:

A prohibition on U.S. Government procurement of goods and services from the sanctioned company; and

A prohibition on imports of that company's products.

The President may waive these sanctions if he determines that the government with jurisdiction over the company involved has taken specific and effective actions, including appropriate penalties, to terminate involvement.

The sanctions could be terminated by the President after 1 year if all proscribed activities have ceased. A Presidential waiver is allowed after sanctions have been in effect for a year.

The President is not required to apply sanctions in the case of existing contracts; certain defense procurement; purchases of spare parts and necessary servicing and maintenance, essential information and technology, medical and other humanitarian items.

Mr. President, all of these provisions were discussed at length with the administration and with the House in devising the compromise bill approved last fall and last January upon which this title is based.

Unfortunately, through this process the President's advisers earlier chose to focus their attention on the narrow issue of Presidential prerogative and not on the far more important goal of preventing the illegal use of chemical and biological weapons and setting penalties against companies involved in chemical and biological weapons proliferation.

In his memorandum of disapproval, the President said that the legislation would "unduly interfere with the Presient's authority in carrying out foreign policy." The President announced he was issuing an Executive order that, unlike this bill, would give the President the necessary flexibility in implementing sanctions and penalties.

Mr. President, a reading of the November 16 Executive order indicated that "necessary flexibility" meant, simply, the ability to do nothing. The Executive order allows the Secretary of State to avoid imposition of sanctions or to terminate them if a company aiding and abetting a particular nation's quest for chemical and biological weapons ceases that activity. In other words, an offending company could ship all of the dangerous equipment for a chemical weapons plant and avoid penalty if the shipments were finished before discovery. By contrast, the bill requires sanctions for at least a year. I trust the Senate understands the crucial importance of deterring and publishing those whose greed overrides any morality which would deter them from these reprehensible activities.

With regard to sanctions against use, the Executive order allows the Secretary of State to forego the application of sanctions due to significant foreign policy or national security reasons. My fellow Senators know what that means. It means that the most disgusting regime on Earth—such as that of Saddam Hussein in Iraq—could gas thousands of people—could even commit genocide—and the act would be excused if the secretary was convinced that imposition of sanctions might have a bad effect on relations with that country.

There are other problems with the Executive order. Unlike the bill, under the Executive order, company sanctions do not apply in cases of countries repeatedly providing support for acts of terrorism. Unlike the bill, the company sanctions would only be triggered by commerce with countries which have illegally used chemical or biological weapons or made substantial preparations to do so after the date of the Executive order—November 16, 1990. Shipments to a country that used chemical weapons prior to the issuance of the Executive order would not trigger any sanctions or penalties at all.

In March, the administration announced an enhanced proliferation control initiative, which established significantly stiffer licensing requirements for both materials and equipment transfers to the Middle East and South Asia. I welcomed tougher licensing controls. They could serve as a useful complement to this legislation.

I am frankly disappointed in the administration's approach to date. It underscores the importance of enactment of this legislation. This bill is consistent with the President's apparent goals with regard to chemical weapons, but it includes the necessary teeth to make certain that countries using chemical weapons illegally or against their own citizens face stiff sanctions. Moreover, it ensures that companies wanting to engage in illicit commerce in chemical and biological weapons are penalized severely.

Mr. President, poison gas was used to horrible effect in World War I, and the world was so revolted by that action that it created the 1925 Geneva protocol. That protocol has been an important instrument in deterring the use of chemical weapons. In recent years, however, it has become increasingly clear that the Geneva protocol is simply not enough. We need this bill in place. We need to be tough on countries and companies that misbehave in regard to chemical weapons. With this bill as law, we would have proven to other nations that we are willing and able to assume leadership in the area of chemical and biological weapons control.

I would hope that the administration would have the wisdom to move away from its unfortunate and unseemly earlier opposition to this title, cooperate in its enactment, and join in moving on to other critically important objectives such as achievement of a multilateral ban on the use, production, and stockpiling of chemical and biological agents.

Mr. HELMS. Mr. President the amendment before the Senate represents a matter of great urgency, namely controlling the spread of weapons of mass destruction. I am pleased to cosponsor it again with the distinguished chairman.

The Senate is already on record four times on this issue. In May 1990 the Senate agreed to sanctions on countries which use chemical and biological weapons and sanctions on the companies which supply them. An identical provision was adopted in the fall of 1990 as part of the Export Administration Act. The conference reported a nearly identical provision as part of the Export Administration Act amendments but that the bill was vetoed. Finally, the Senate passed S. 320 on February 20 which, again, is almost identical to the conference report of 1990. Unfortunately, the House has not chosen to act on S. 320.

The amendment offered by the distinguished chairman of the Foreign Relations Committee is identical to S. 320 with one slight modification to reflect current realities.

The amendment would provide sanctions against the use of chemical and biological weapons. These are sanctions against countries or regimes, such as Iraq. If a country has been determined by the President to be using chemical or biological weapons, that country may not import from the United States, export to the United States or receive financial assistance from the United States. In all there are 11 sanctions.

S. 320 provided discretion for the President to choose some but not all of the 10 sanctions. It is the chairman's view, and I concur, that the horror of chemical and particular germ warfare is such that a stronger deterrent is needed. Therefore, if the regime is found to be engaged in this practice, all the sanctions would apply.

The amendment also provides sanctions on foreign companies which supply the ingredients and technology to produce chemical and biological weapons. This is identical to S. 320, already adopted by the Senate. If these renegade companies are determined to be

engaged in such trade, they may not export to the United States or contract with U.S. Government agencies. The sanctions are similar to those imposed on Toshiba for exporting submarine technological to the Soviet Union. The sanctions may be terminated 1 year after the President has determined that the company has ceased aiding and abetting foreign governments to acquire chemical or biological weapons.

If we have learned anything in the past year, it is that the spread of weapons of mass destruction to unstable portions of the Third World represents a major national security threat to the United States and our allies. This amendment certainly represents one of the major tools we have available to control mass weapons proliferation.

I ask that the amendment be agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment of the Senator from Rhode Island?

If not, the question is on agreeing to the amendment.

The amendment (No. 876) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 877

(Purpose: Voice of America broadcasts in Kurdish)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL] proposes an amendment numbered 877.

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

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

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

Section 234 is amended by striking subsections (b), (c), (d), and (e) and inserting in lieu thereof the following—

(b) BROADCASTS IN KURDISH.—As soon as practicable, but not later than six months after the date of enactment of this Act, the Director of the United States Information Agency shall establish, through the Voice of America, a service to provide Kurdish language programming to the Kurdish people. Consistent with the mission and practice of the Voice of America, these broadcasts in Kurdish shall include news and information on events that affect the Kurdish people.

(c) AMOUNT OF PROGRAMMING.—As soon as practicable but not later than one year after enactment, the Voice of America Kurdish language programming pursuant to this section shall be broadcast for not less than one hour each day.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds otherwise available under Section 231 of this Act, there are authorized to be appropriated to the Voice of America for purposes of carrying out this section $1,000,000 for fiscal year 1992 and $1,000,000 for fiscal year 1993.

(e) PLAN FOR A KURDISH LANGUAGE SERVICE.—Not later than three months after enactment of this Act, the Director of the United States Information Agency shall submit to the Chairman of the Senate Committee on Foreign Relations and to the Speaker of the House of Representatives a report on progrsss make toward implementation of this section.

(f) HIRE OF KURDISH LANGUAGE SPEAKERS.—In order to expedite the commencement of Kurdish language broadcasts, the Director of the United States Information Agency is authorized to hire, subject to the availability of appropriations, Kurdish language speakers on a contract not to exceed one year without regard to competitive and other procedures that might delay such hiring.

(g) SURROGATE HOME SERVICE.—Not later than one year after the date of enactment of this Act, the Chairman of the Board for International Broadcasting shall submit to the Chairman of the Senate Committee on Foreign Relations and the Speaker of the House of Representatives a plan, together with a detailed budget, for the establishment of a surrogate home service under the auspices of Radio Free Europe/Radio Liberty for the Kurdish people. Such surrogate home service for the Kurdish people shall broadcast not less than two hours a day.

Mr. PELL. Mr. President, this amendment accommodates the USIA about a program in the bill which I authored to require VOA broadcasts in Kurdish. It provides a separate authorization for it. USIA told me it supports the amendment and supports the establishment of a VOA Kurdish broadcast, and we will work to get such broadcast on the air quickly if this legislation passes.

The PRESIDING OFFICER. Is there debate?

Mr. HELMS. Mr. President, the amendment before us modifies a provision adopted in the Foreign Relations Committee. It has a noble purpose. It creates a broadcasting service in the Kurdish language within USIA; $1 million is authorized for fiscal year 1992 and $1.5 million in 1993 to create this program.

For the record, Mr. President, the Kurdish people already are served by broadcasts in languages that all Kurds speak: Turkish, Farsi, and Arabic. Chairman PELL's amendment is another cost associated with the gulf war.

But since Saddam Hussein remains in power in Iraq, the amendment is an attempt to provide broadcasts to the Kurdish people, for whom that dictator has been such a curse. U.S. Armed Forces have done what they could to help the Kurds recover from his savage attacks.

This amendment is an attempt to build a relationship with the Kurds over a longer term. We certainly have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate?

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 877) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 878

(Purpose: To express the sense of the Congress concerning human rights abuses in East Timor)

Mr. PELL. Mr. President, I send an amendment to the desk on behalf of Senator WALLOP, Senator KERRY, Senator MOYNIHAN, Senator SIMON, Senator LEVIN, Senator DURENBERGER, and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for himself, Mr. WALLOP, Mr. KERRY, Mr. MOYNIHAN, Mr. SIMON, Mr. LEVIN, and Mr. DURENBERGER, proposes an amendment numbered 878.

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

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

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. .

(a) FINDINGS.—The Congress finds that—

(1) at least 100,000 individuals out of a population of nearly 700,000 perished in the former Portuguese colony of East Timor between 1975 and 1980, as a result of war-related killings, famine, and disease following the invasion of that territory by Indonesia;

(2) Amnesty International and other international human rights organizations continue to report evidence in East Timor of human rights violations, including torture, arbitrary arrest, and repression of freedom of expression;

(3) serious medical, nutritional, and humanitarian problems persist in East Timor;

(4) a state of conflict continues to exist in East Timor; and,

(5) the governments of Portugal and Indonesia have conducted discussions since 1982 under the auspices of the United Nations to find an internationally acceptable solution to the East Timor conflict;

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) the President should urge the Government of Indonesia to take action to end all forms of human rights violations in East Timor and to permit full freedom of expression in East Timor;

(2) the President should encourage the Government of Indonesia to facilitate the work of international human rights organizations and other groups seeking to monitor human rights conditions in East Timor and to cooperate with international humanitarian relief and development organizations seeking to work in East Timor; and,

(3) that the administration should work with the United Nations and the govern-

ments of Indonesia, Portugal, and other involved parties to develop policies to address the underlying causes of the conflict in East Timor.

Mr. PELL. Mr. President, this amendment expresses the sense of the Congress concerning human rights abuses in East Timor, a former Portuguese colony which was invaded by Indonesia in 1975.

The amendment calls on the President to urge the Indonesian Government to end all forms of human rights abuses in East Timor, to facilitate the work of international human rights groups seeking to monitor conditions there, and to cooperate with international humanitarian relief and development organizations.

Last New Year's Eve, the Indonesian-appointed Governor of East Timor observed that unlike international efforts to expel Iraq from Kuwait, no one wanted to come to the rescue of East Timor. This resolution attempts to rectify this cynical view of the international community's concerns. While we are not advocating Indonesia's expulsion from East Timor, we are reminding Indonesians that they have international responsibilities to respect the human rights of the East Timorese, improve their quality of life, and resolve the ongoing conflict there in a peaceful fashion.

I believe this amendment has been cleared on both sides of the aisle.

During his 1989 visit to Indonesia which included East Timor, a mainly Roman Catholic nation, Pope John Paul II stated:

> At times nations are tempted to disregard fundamental human rights in a misguided search for political unity based on military or economic power alone. But such unity can easily be dissolved.

I request unanimous consent that an article which appeared on April 7, 1991, in the London Observer entitled "Secret Killing of a Nation," be included in the RECORD following my remarks. It gives a detailed description of East Timor's troubled past and troubled present.

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

[From the London Observer, Apr. 7, 1991]

SECRET KILLING OF A NATION

(By Hugh O'Shaughnessy)

For the children of the orphanage outside Dili, the scrappy little town which serves as the capital of occupied East Timor, the jungle is a nightmare.

"They told how they slept by day and ran, ran, ran by night," said a young woman who cares for them, "sometimes stepping on the squelching bodies of the wounded who had to be left to die.

"I committed a terrible mistake one morning," said the woman, whom I shall call Maria Jose "I thought we'd play hide and seek to amuse the children. Amelia, aged five, and I hid from the matron. I told her to keep quiet and not move a muscle. But she thought she was back in the jungle and on the run again. She started screaming and sobbing. It took me an hour to calm her down again."

The horrors of a war of extermination bite deep into the memories of children, especially those who have fled into the forest with their parents to escape the Indonesians. But East Timor is an entire country in shock. After 15 years of occupation by Indonesian troops and deaths of perhaps 200,000 people, one-third of the Timorese population, 60-year-olds are resigned to life of terror, five-year-olds are petrified. The young, however, are frightened—but defiant.

"Now the U.N. has got Saddam Hussein our of Kuwait, when are they coming to help us get the Indonesians out of occupied East Timor?" As dusk came down on misty green paddy fields at a secret rendezvous several hours' drive from Dili, Aurélio and his three resistance companions, all in their twenties, were in sardonic mood as they met their first Western journalist.

Fifteen years resisting illegal Indonesian occupation after their country was in effect abandoned in 1975 by its Portuguese colonial masters, has taught 600,000 Timorese that some United Nations Security Council resolutions are more equal than others. Those passed against an expansionist Iraq bring a quick and terrible response: those that demand action against a large and important Western ally such as the Indonesia of General Suharto receive more leisurely attention.

The scepticism of Aurélio and his companions, however, is tempered by the fact that after a decade and a half of international isolation and draconian censorship they are finding ways of breaching a wall of silence.

My visit was one of their first opportunities to tell the world, in their own words, of suffering and resistance which the International Committee of the Red Cross compared, more than a decade ago, to that of Biafra and Cambodia. Events since have become yet more sombre. As war in the Gulf subsidies, the facts about an ordeal much more serious than that suffered by the Kuwaitis is emerging.

Meanwhile, against crushing odds, the ragged few hundred guerrillas of the grandly named Falintil, the Armed Forces of National Liberation of Timor, and the underground network that sustains them, fight on.

By all logic, Timorese resistance should have been wiped out. For every East Timorese there are nearly 300 Indonesians; for every badly-equipped Falintil rifleman there are hundreds of Indonesian troops supported by artillery, fighters, bombers, helicopters and enough ships to prevent any single piece of military equipment reaching the resistance.

The Falintil continues to challenge the Indonesians, however, in the jungles and scrub under the leadership of its commander, shadowy and elusive Xanana Gusmão, whose capture is feverishly being sought this month by 10 Indonesian battalions.

Bare survival is the least of Falintil's problems. "The difference between Falintil and us in the town is that we have to pay for our food," said Armando jokingly. A former member of the Portuguese army with jungle experience who now drives a bus in Dili, he said: "The forest is full of food—fruit, roots, birds, deer. No one starves."

As the Indonesians slowly become more expert in anti-guerrilla operations. Xanana's war, as he himself admits, is increasingly a defensive one. But at times his men dispatch a few of the enemy: 10 coffins, each draped with the Indonesian flag, were loaded onto the plane at Dili airport last month.

In the first days of Timorese resistance to the Indonesian invaders the nucleus of the guerillas was mainly local troops trained by the Portuguese, who brought their own weapons and ammunition left by Lisbon's representatives. Today the arms must come from the Indonesian army. "The Falintil pay a bit more than £100 for a rifle, about the same for a box of grenades or ammunition," one senior Timorese said in Dili.

"Suharto's army is riddled with corruption. Sale of arms is well organised and profits are well distributed among troops and officers. Corruption is systematic. The army often forces villagers to buy petrol. Then they seize it back and accuse them of theft. Sometimes the villagers find the drums are just full of water anyway."

The military run a trading company, Denok, which buys cheap in Timor and sells dear in Indonesia. Indonesian generals have few accounting strategems to learn from the Irangate plotters or General Pinochet's army swindlers in Chile. Despite army corruption, however, the Falintil is desperately short of weapons. "Every bullet has to find its mark," said Estévão, a former bodyguard of Xanana.

The Falintil is nevertheless backed by increasingly stubborn opposition ot the invaders among East Timorese civilians, particularly, perhaps, among young Timorese such as Aurélio and his comrades who have no memory of anything but occupation. A majority, it seems, back Fretilin, the Revolutionary Front of East Timor, which in November 1975 declared independence in East Timor—a fateful freedom that lasted no more than the seven days it took for Indonesia to invade.

Timorese chances of success, though still slim, are bolstered by a slowly growing consciousness in the outside world of their plight. This is being built upon by a Portuguese government which has tardily acknowledged it bears much responsibility for the Timorese mess, and is now seeking to win Timorese self-determinaion through diplomacy. Next year, when Portugal will be in the powerful position of occupying the European Community presidency for six months, promises to be a particularly tough time for Indonesian diplomats.

The Timorese ordeal began on 7 December 1975. Taking advantage of political chaos in Portugal, which was in the midst of its own revolution, the Indonesian dictator, General Suharto, sent in his troops to take over the remote colony Portugal had stumbled on in the sixteenth century and had fought over with the Dutch for its precious aromatic sandalwood.

In 1975, with most of the sandalwood cut down, Lisbon's revolutionaries were eager to be shot of the eastern half of the island Portugal was left with. Breaking assurances by Indonesian Foreign Minister Adam Malik, then a leading figure of the Non-Aligned Movement, Suharto flooded East Timor with troops. Jakarta suddenly started arguing that the young radicals of the Fretilin with their advanced Portuguese ideas were a threat to Indonesia.

Lest the world should hear about the massacres, the Indonesian army killed two British journalists, two Australians and a New Zealander and threw the Red Cross out of East Timor. Visitors were expelled and rigorously kept out for 15 years.

Suharto's *coup de main* was immediately condemned by the UN Security Council and General Assembly. The West, however, anxious not to upset a trenchantly conservative and strategically important regime which

had come to power in 1965 in a putsch in which a million Communists and other left-wingers were killed, sat back.

The Australians assured Jakarta that Canberra would not protest. The invasion took place the day after US President Gerald Ford and Secretary of State Henry Kissinger flew out of the Indonesian capital.

The Timorese, outnumbered and isolated, were not, however, willing go down without a fight. Used to lax government from distant Lisbon by Portuguese who controlled the country, in so far as they controlled it at all, through local chieftains, the Timorese baulked at centralised government by the Javanese in Jakarta.

Dark-skinned, curly-haired and more akin to South Seas peoples than those of the East Indies, Timorese resented the close racial domination of the lighter-skinned, straight-haired Javanese. Bitter religious differences also developed.

When the Portuguese left, a third of Timorese were Christians. The stand the local Catholic Church took against Indonesian atrocities brought more conversions, which were further bolstered by Suharto's own decree that all Indonesians should profess some religion.

Today, the overwhelming majority of Timorese are Catholics, struggling against the world's largest Muslim state. Churches are packed.

The toll this struggle has taken is horrific. Speaking as long ago as 1977, Malik said, "50,000 or perhaps 80,000 might have been killed. It was war . . . Then what's the big fuss?" In 1979, Mochtar Kusumaatmadja, then Indonesia's Foreign Minister, admitted 120,000 had died. Today the total is incalculable, certainly about 200,000, or about one in three East Timorese. Some were killed in battle, some died in concentration camps into which Indonesians herded the peasants whose villages they destroyed. Some starved, others died of war-borne epidemics.

Indonesians have stopped at nothing to control of what they insist is now a province of Indonesia. "A company of Indonesian troops captured this 17-year-old girl," one priest told me in Dili. "They repreatedly raped her, cut off her breasts and put one in each hand, cut off her private parts and stuffed them in her mouth and left her corpse for the rest to see."

Outside Laleia, Xanana's village birthplace, a Timorese offered to dig up the remains of 17 victims of Indonesian troops buried in a common grave. The presence of army patrols prevented the operation but existence of the grave, one of many, was confirmed by highly reliable sources.

Although General Suharto, still ruling after 26 years, recently decided finally to open East Timor to foreign visitors in a bid to demonstrate "normality," the Indonesian army is stepping up the pressure.

At the quayside in Dili the giant tank-landing ship, Teluk Bone, closed its huge bow doors and slowly pulled away, watched by a few Indonesian women and a silent crowd of watching Timorese. The next day a sister ship, whose signal lamp had been winking across the harbour the previous night, docked with fresh troops for battle. In the highly militarised town Indonesian forces buzz about in heavy trucks and smart British Land-Rovers, occupying scores of barracks and private houses.

In other, unmarked houses a growing number of civilian prisoners are detained and tortured, common practice since 1975. Indonesians torturers have, so to speak, carved a niche for themselves in refined use of the razor on human flesh.

At a disused airport a fleet of big-bellied helicopters stands ready, some thumping off now and then into the scrubby hills which press down on the little town. Dili is, meanwhile, launch pad for Suharto's policy of "Indonesianising" occupied East Timor by illegally bringing in scores of Indonesians. The red and white Indonesian flag flies everywhere.

"When the Portuguese were here they'd fly the flag on Sundays. Indonesians fly the flag every day," said Armando, the bus driver. They fly it guiltily, however. Attempting to photograph a flag-raising ceremony at a parade ground in Baucau, I was stopped by an Indonesian officer in the elite special forces, the so-called Pink Berets. "It's not permitted," he giggled in nervous English.

During my stay in Dili my room was searched and I was often followed.

Portuguese, once the language of the Timorese elite, and a link to the world beyond Indonesia is in decline. The Indonesians, seizing on the woeful neglect of education in the Portuguese era, have built many schools and colleges but have insisted the medium should be Bahasa, the lingua franca of Indonesia. Only one college still teaches in Portuguese.

Tetum, the indigenous language, is not used in commerce or administration. Much of the commerce of Dili is in the hands of the Javanese incomers who are seen everywhere behind shop counters and in government offices. "They come off every boat," says Carlos Filipe Ximenes Belo, the Catholic bishop. "In 10 years Dili will cease to be a Timorese town, if things go on as they are."

While Timorese resist, the world's chanceries look the other way, trying not to upset Suharto but, neither altogether accepting the legality of the occupation. The exception is Australia, Timor's nearest neighbour, whose government recently signed an agreement which purports to divide Timor's offshore mineral rights between Canberra and Jakarta. Senator Gareth Evans, Australian Foreign Minister, recently said the oil wealth alone could be worth "zillions."

I ask the young man I have called Aurélio and his friends about the deal. "Os australianos são ladrões," they explode. "The Australians are thieves. They are taking the people's wealth."

Portugal, whose stance is that it is still by rights the administering power and is attempting to give Timorese the right of self-determination, contests the Australian deal and is suing the Canberra government in the International Court of Justice in The Hague, in effect for theft.

Short-term, Timorese hopes are pinned on the UN and a planned Portuguese parliamentary delegation visit to Dili soon. The visit has been accepted in principle by Suharto as a way of demonstrating the island is "normalised," but no date has been fixed.

The Suharto regime knows it will be the focus of massive demonstration in occupied East Timor. For aging Suharto, occupied East Timor is vital to maintenance of an empire of 12,000 islands already showing signs of strain.

Irian Jaya, former Dutch New Guinea which Indonesia acquired after a dubious poll a few years after the Dutch surrendered the bulk of their East Indian empire in 1949, is in revolt. In West Sumatra, Muslim fundamentalism is combining with local separatist feeling to produce revolt against Jakarta.

If occupied East Timor were to go, the future of the world's fifth most populous country could be nearly as precarious as the USSR's. But Timorese, particularly the young, do not care.

As we parted by the now darkened paddy field Aurélio said: "If we resist they kill us. If we don't resist they still kill us. So we might as well resist."

Genocide is a word much overused in modern times for any old massacre. In East Timor it suits the circumstances perfectly.

Mr. HELMS. Mr. President, the amendment offered by Chairman PELL and cosponsored by the senior Senator from Wyoming [Mr. WALLOP] is an attempt to clarify administration positions regarding violations of civil and political rights in East Timor.

This controversial area has been the scene of continuing political disturbances for years, and it is high time for the United States to help encourage a political solution.

We support the pending amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 878) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. PELL. 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.

AMENDMENT NO. 879

(Purpose: To support democracy and self-determination in the Baltic States and the republics within the Soviet Union)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself and Mr. SIMON, proposes an amendment numbered 879.

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

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

The amendment is as follows:

SECTION 1. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to support democratization within the Soviet Union and support self-determination, observer and other appropriate status in international organizations particularly the CSCE and independence for all Soviet republics which seek such status;

(2) to continue to support restoration of independence for Estonia, Latvia, and Lithuania;

(3) to shape its foreign assistance and other programs to support those republics whose

governments are democratically elected and to encourage democracy throughout the Soviet Union; and

(4) to strongly support peaceful resolution of conflicts within the Soviet Union and between the central Soviet government and the Baltic States and Soviet republics, condemn the actual and threatened use of martial law, pogroms, military occupation, blockades, and other uses of force which have been used to suppress democracy and self-determination, and view the threatened and actual use of force to suppress the self-determination of Soviet republics and the Baltic States as an obstacle to fully normalized United States-Soviet relations.

SEC. 2. REPORT TO CONGRESS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the Congress a comprehensive report on actual and threatened uses of force against the Baltic States, the Soviet republics, and autonomous regions within the Soviet Union. For 1992 and each subsequent year such a report shall be included as part of the annual country reports on Human Rights Practices prepared by the Department of State in compliance with section 116(d)(1) of the Foreign Assistance Act of 1961.

Mr. DOLE. Mr. President, I am pleased to join the distinguished Senator from Illinois [Mr. SIMON] in offering this amendment.

It is nearly identical to legislation we offered earlier this year, S. 860, to express our support for the process of democratization in the Baltic States and the Republics of the Soviet Union.

I do not believe that this issue really requires much more debate. The issues, and the position articulated in this amendment, have already been discussed and debated on the Senate floor many, many times.

Clearly, the Baltic States have taken historic steps to assert their independence—an independence we have long acknowledged. And there is nearly unanimous support in this body for their struggle.

Many of the constituent Republics of the Soviet Union have also asserted their sovereignty, and are at various places on the path to turn that intention into a reality. Again, the goals for which they are struggling enjoy wide support, both in the Congress and in the country at large.

Meanwhile, the Soviet Central Government is grappling with its own profound and protracted political crisis—the results of which are far from clear.

But what is clear is that the United States must be—and, equally important, must be seen to be—squarely on the side of freedom and free enterprise, for the Baltics and for the Republics of the Soviet Union.

We must do everything we can—in terms of direct pressure and moral suasion—to see that the Soviet central authority end its aggression, coercion, intimidation, and blackmail against those forces seeking self-determination and free markets.

We must do everything we can to urge all parties to put aside violent means to achieve their goals, and instead pursue them peacefully.

We must do everything we can, in our aid and trade policies, to support the movements for freedom in the Baltics and the Republics.

That is exactly what this amendment requires—that the United States take a stand consistent with our ideals and history, on the side of freedom.

It further requires reports on Soviet policies, and the situation in the Baltics and the Republics—so that the Senate will have all the facts, particularly insofar as the Soviets do use force or the threat of force to achieve their goals.

Adoption of this amendment could not be more timely. Our national policy has certainly been moving in the direction of a more direct assertion of our support for the movements for freedom in the Baltics and the Republics. The President's recent meeting with Russian President Yeltsin can be seen in that light.

More important, right now, President Bush is en route to Moscow for the summit. He will go on to Kiev, the capital of Ukraine—a stop that will surely be seen as one sign of our support for the principle of self-determination. Agreeing to this amendment as those events go forward will certainly amplify the message the President is delivering, of our support for freedom and free markets.

I hope all Senators will join in sending this important message, by supporting this amendment.

I think this amendment has been cleared on both sides of the aisle.

Mr. PELL. Mr. President, I strongly support this amendment offered by the Senator from Kansas. I do so particularly, as in the early fifties I remember being the Baltic desk officer in the State Department and we were doing what we could at that time to keep the spirit of freedom alive in those countries. Through the years, the United States has played a leading role in doing this, and I think this amendment is the evidence of a policy of longstanding.

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

The Senator from North Carolina.

Mr. HELMS. The amendment is supported on this side as well.

Mr. PELL. There is support on this side of the aisle.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the amendment.

The amendment (No. 879) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 880

(Purpose: Requiring a report on the uses to be made of United States arrearage payments to the United Nations)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 880.

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

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

The amendment is as follows:

On page 9, line 22, insert the following new paragraph:

(3) None of the amounts authorized to be appropriated under paragraph (2) shall be disbursed to the United Nations or any affiliated organization until the President reports to the Congress the specific elements of the plan by which the United Nations, and each affiliated organization authorized to receive such funds, intends to expand or otherwise use such funds.

Mr. HELMS. Mr. President, the pending bill, S. 1433, authorizes more than $370 million without knowing how it is going to be spent. This amendment, which I have just offered, is a modest effort to resolve a great mystery: How the U.N. system intends to spend the unearned windfall of so-called arrears from the U.S. taxpayers.

My amendment simply says it will permit the Congress to learn how these funds will be spent before these funds are obligated. It seems to me it will be a fair deal, certainly for the taxpayers.

Our colleague, the Senator from Kansas [Mrs. KASSEBAUM] has repeatedly sought information from the administration as to how the $370,876,000 authorized in this bill will be used by the United Nations and its affiliated agencies.

The administration has promised the Foreign Relations Committee that it will use its best efforts to discover an answer to this mystery. My amendment makes it easier for the administration to gather and report the answers.

Mr. President, my amendment requires disbursement of so-called arrearages to be conditioned on a report by the President that specifies how the United Nations intends to spend or otherwise use the funds. Without a doubt, Mr. President, the U.S. taxpayer demands to know and needs to know how

the United Nations will spend the funds which Congress is generously providing in S. 1433.

The United Nations must realize that Congress desires to play a significant role in United States decisions about the United Nations budget priorities. This amendment should assure constituents in North Carolina, and every other State, that Congress knows how the United Nations will use these funds.

Mr. President, I am told that the administration has no objection to this amendment.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. PELL. Mr. President, I understand this amendment is acceptable to the administration. It reflects the approach the administration will be following with respect to the arrearages. I think it is a good amendment, and I am glad to support it from this side of the aisle.

Mr. HELMS. I thank the Senator.

Mr. WALLOP. Mr. President, I rise to express my increasing concern over the situation in the former Portuguese colony of East Timor, the island territory which was invaded and forcibly annexed by Indonesia in 1975.

In previous years, Members of the Senate have expressed concerns on a range of humanitarian issues in East Timor, such as war-related hunger and human rights violations. There have been marginal improvements in some regards in East Timor. However, in light of new and disturbing reports of flagrant human rights abuses and the deteriorating humanitarian situation, I believe that further action is warranted. It is my hope that this amendment will spur such action.

Our resolution makes three statements with regard to policy toward East Timor. First, the resolution states that President Bush should urge the Government of Indonesia to take action toward ending human rights violations in East Timor and to permit full freedom of expression in East Timor.

Second, it states that the President should encourage the Government of Indonesia to facilitate the work of international human rights organizations and humanitarian relief organizations seeking to work in East Timor. Finally, it states that the administration should work with the United Nations and the Governments of Indonesia, Portugal, and other involved parties to develop policies to address the underlying causes of conflict in East Timor.

Mr. President, 1975 may seem rather long ago and East Timor may seem only a tiny island among the many that stretch along the Indonesian Archipelago. But this area of continuing conflict desperately deserves greater attention. It is time that the United States took a stronger role in seeing a political solution to the grave situation in East Timor.

With few notable exceptions, the world turned a blind eye to Indonesia's brazen aggression in 1975, when East Timor was a vulnerable little enclave left by the retreat of the Portuguese Empire. When Indonesia invaded and annexed East Timor, there was a shameful lack of condemnation from the world community. I hope that our actions here today are the beginning of change on that front.

Mr. President, Portugal ruled East Timor for 450 years, ended by Lisbon's 1974 revolution which brought immediate decolonization and, shortly thereafter, civil war in East Timor. But East Timor did declare independence on November 28, 1975; on December 7, 1975, Indonesia, the ruler of West Timor, invaded. The invasion lasted 1 day after President Ford and Secretary of State Kissinger left Jakarta. Sixteen years later, with some 200,000 people—a full third of the population—dead, our President would serve America's principles well by raising his voice, as he did in the gulf, against the brutal aggression in East Timor.

Although the United Nations condemned the violent actions of Indonesia's brutal dictator, General Suharto, the West was anxious not to upset a strategically important regime which had come to power in 1965. Absent any moral dissuasion from the West, Suharto flooded East Timor with troops, effectively breaking assurances by his foreign minister. And so the world could not know about the massacres that followed; the Indonesian military killed two British journalist, two Australians, and a New Zealander and expelled the Red Cross from East Timor. Visitors, too, were expelled and rigorously kept out for 15 years. And while information was limited during that time, visits of some reporters and relief organizations gave us disturbing evidence of the situation there.

Of the some 200,000 that were killed, some were killed in battle, some died in concentration camps into which Indonesians herded the peasants whose villages they destroyed. Some starved; others died of war-borne epidemics. And although General Suharto, still ruling after 26 years, recently decided to open East Timor to foreign visitors as a way to demonstrate "normality," the Indonesian Army is increasing pressure.

Reliable sources in East Timor relate stories of Indonesian forces and those under their control using razor blades to cut the faces of young East Timorese dissenters. Reports from Amnesty International in recent months detail torture, beatings, and other serious abuses of East Timorese. These, as well as other reports of atrocities, belie reports of improvements in the human rights situation in East Timor.

On the humanitarian front, there exist inordinately high rates of tuberculosis, malaria, malnutrition, and infant mortality in East Timor. Such problems are particularly worrisome when one recalls the catastrophic famine that occurred largely at the hands of the Indonesian military in the late 1970's.

In closing, Mr. President, let me say that we must make it clear to the Indonesian authorities that we are aware of and monitoring closely the situation in East Timor. The United States could be an effective and positive force in this region by seeking ways to insure that the Indonesian Government cooperate with private organizations, both secular and religious, that are in a position to help address these problems.

Additionally, I hope that the United States will be alert to any diplomatic openings that may present themselves in the future, with an eye toward a political solution that might end the needless suffering in East Timor and bring about true self-determination for the people of East Timor. I am keenly aware of the value of close relations with the Government of Indonesia. But it is precisely because of these close relations that we can have reason to believe that the Government of Indonesia would be responsive to these concerns.

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

The amendment (No. 880) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

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

AMENDMENT NOS. 881–886

Mr. PELL. Mr. President, I send to the desk six amendments as follows: An amendment relating to microtechnology on behalf of Senator HELMS; an amendment relating to Boris Yeltsin on behalf of Senator SIMON; an amendment related to language training on behalf of Senator SIMON; an amendment relating to foreign service promotions on behalf of Senator SIMON; an amendment relating to employment of United States citizens at United States Embassies on behalf of Senator ROCKEFELLER; and an amendment relating to credit with the Government of Israel on behalf of Senator LIEBERMAN.

The PRESIDING OFFICER. Hearing no objection, these six amendments

will be considered en bloc. The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL] proposes amendments numbered 881 through 886 en bloc.

Mr. PELL. I ask unanimous consent that reading of these amendments be waived.

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

The amendments are as follows:

AMENDMENT NO. 881

(Purpose: To amend the Arms Export Control Act)

At the appropriate place in the bill, add the following new section:

SEC. . AMENDMENTS TO THE ARMS EXPORT CONTROL ACT.

(1) Section 73(a)(1)(A) of the Arms Export Control Act is amended by inserting "acquisition," before "design,";

(2) Section 74(8)(B) of the Arms Export Control Act is amended by striking "countries where it may be impossible to identify a specific governmental entity referred to in subparagraph (A)" and inserting in lieu thereof "countries with non-market economies".

(3) Section 74(8)(B)(ii) of the Arms Export Control Act is amended by striking "aircraft, electronics, and space systems or equipment" and inserting in lieu thereof: "electronics, space systems or equipment, and military aircraft".

Mr. HELMS. Mr. President, amendment No. 881 changes the missile technology provisions of the Arms Export Control Act to make it clear that the United States is prohibiting the acquisition of an actual missile system as well as the technology related to its design. The amendment also makes it clear that where nonmarket countries are using Government-owned companies to sell missile technology, the United States intends to sanction all the arms exporting entities, not just some fly-by-night outfit with a post office box. Finally, the amendment makes it clear that the sanctions are limited to military aircraft companies, not civilian aircraft companies.

MISSILE TECH AMENDMENT

Recently the Communist Chinese have admitted that they transferred a number of M-11 class ballistic missiles to Pakistan.

It has been widely reported in the press that the Communist Chinese were instrumental in Pakistan acquiring nuclear technology.

In response to this threat, the Congress last fall passed missile technology amendments to the Defense authorization bill.

Basically, foreign countries which export ballistic missile technology cannot have access to American technology or, in extreme cases cannot export to the United States for 2 years.

These provisions provide a strong deterrent for companies based in free-market countries but do not provide sufficient deterrent in nonmarket countries such as Communist China where the Government itself owns the exporting company.

In these cases it is just too easy for the exporting Government to set up front companies and close them down when they get caught.

The amendment before us simply strikes the current phrase "countries where it may be impossible to identify a specific governmental entity" and substitutes the term "countries with nonmarket economies".

This makes it clear that the Congress intends to ensure that the missile exporting Government cannot simply move the boxes around and start up under another name.

The amendment also makes it clear that it is a violation of the missile technology provisions to acquire the missile itself as well as its design and so on.

Finally the amendment makes it clear that technology related to the military aircraft program, not the civilian aircraft program, would be on the denial list.

AMENDMENT NO. 882

(Purpose: To congratulate Boris Yeltsin on being elected President of the Russian Republic in the first democratic election in Russia)

At the appropriate place in the bill, add the following new section:

"SEC. . SENSE OF CONGRESS REGARDING BORIS YELTSIN'S ELECTION TO THE PRESIDENCY OF THE RUSSIAN REPUBLIC.

(a) CONGRESSIONAL FINDINGS.—the Congress finds that—

(1) the Russian people freely elected Boris Yeltsin as their president on June 12, 1991;

(2) the election held in the Russian Republic was the first democratic election for the presidency of Russia;

(3) the support given by President Yeltsin for "freedom for the Baltic peoples" is to be commended and encouraged;

(4) the support given by President Yeltsin for a "market economy, a plurality of forms of ownership, equality of all forms of property under the law, privatization, giving land to the farmers, carrying out land reform, a credit reform and bringing in foreign investment" is to be commended and encouraged;

(5) the support expressed by President Yeltsin for warm and friendly relations between the peoples of the Russian Republic and the American people is to be commended and encouraged.

(b) POLICY.—It is the sense of the Congress that—

(1) the people fo the Russian Republic and their president, Boris Yeltsin, are to be congratulated for the first democratic election held in Russia on June 12, 1991;

(2) the people of the United States encourage President Yeltsin and the Russian people to continue their political, economic, military and social reforms on the road to a free, open and democratic society.

AMENDMENT NO. 883

(Purpose: To encourage language training in the Foreign Service)

At the appropriate place in the bill, add the following new section:

"SEC. . ENCOURAGING LANGUAGE TRAINING IN THE FOREIGN SERVICE.

The Department of State, the Department of Commerce and the United States Information Agency shall ensure that the precepts for promotion of Foreign Service employees provide that end-of-training reports for employees in full-time language training shall be weighed as heavily as the annual employee efficiency reports, in order to ensure that employees in language training are not disavantaged in the promotion process.

Mr. SIMON. I am pleased that the Senate adopted my amendment on encouraging language training in the Foreign Service earlier today. The amendment simply says that the Foreign Service promotion boards shall ensure that precepts are drawn up that will provide that end-of-training reports for employees in full-time language training shall be weighed as heavily as the annual employee efficiency reports. In this way, employees in language training will not be disadvantaged in the promotions process, as they clearly are now.

Mr. BROWN. If I may say to my good friend from Illinois, are we not also sending a message to the diplomatic corps to place more emphasis on language training and language skills in the crucial area of promotions? It seems to me that the amendment of the Senator from Illinois gets right to the heart of the matter: If you want to get promoted, you better take language training seriously, and the promotion panels had better take it more seriously, too.

Mr. SIMON. My distinguished colleague from Colorado is exactly right. And let me add here that, while my amendment leaves it up to the Departments of State and Commerce and USIA to devise these new precepts, it makes sense to equate attainment of professional competency in a language with the exceptional performance to use the ranking terms of the employee efficiency reports. Competency in language training would be attaining a tested score of S-3/R-3 or higher after 24 weeks of a world language, 44 weeks of a hard language and 88 weeks of a superhard language.

Mr. BROWN. If I understand the Foreign Service Institute's system, is it correct to say that the world languages are the Romance and Germanic languages, and one or two others like Swahili; the hard languages are a variety of non-European languages; and the superhard languages are Russian, Chinese, Japanese, Arabic, and Korean?

Mr. SIMON. That is correct. I thank the Senator. I should like to add that he has done a superb job as ranking minority member on the Subcommittee of Terrorism, Narcotics and International Operations.

AMENDMENT NO. 884

(Purpose: To include a review of certain personnel issues in Section 152 of their bill)

On page 42, line 4, strike the period after "appointees" and insert the following: "; and matters related to section 607 of the Foreign Service Act of 1980 (22 U.S.C. 4007), relating to senior Foreign Service officers who were working under section 607 (d)(2) temporary

career extensions on June 2, 1990, and who, because the 14-year time-in-class benefits had been denied them, were involuntarily retired under section 607 after June 2, 1990.".

AMENDMENT NO. 885

(Purpose: To authorize local compensation plans for United States citizens employed in the Foreign Service abroad who were hired while residing abroad)

On page 49, after line 22, insert the following new section:

"SEC. 159. LOCAL COMPENSATION PLANS FOR UNITED STATES CITIZENS RESIDING ABROAD.

(a) AUTHORITY.—Section 408(a) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)) is amended—

(1) in the first sentence, by inserting after "Service," the following: "United States citizens employed in the Service abroad who were hired while residing abroad,"; and

(2) in the second sentence, by inserting after "wages" the following: "to United States citizens employed in the Service abroad who were hired while residing abroad and".

(b) EMPLOYMENT PROGRAMS.—Section 408(b) of such Act is amended by inserting after "foreign nationals" the following: ", are United States citizens employed in the Service abroad who were hired while residing abroad,".

Mr. ROCKEFELLER. Mr. President, I want today to focus the attention of my colleagues on a group of forgotten Americans—the often neglected, and sometimes discriminated against 3.5 million U.S. citizens who are living overseas.

Over the years we have prided ourselves on acting quickly to defend Americans abroad when a crisis develops. But our concern for our country men and women overseas should not arise solely in times of crisis or tragedy. We have a greater responsibility to our fellow citizens.

Unfortunately, it is all too easy for us to dismiss their concerns. We can say that there are so few of them or that it is their decision to live abroad. They are, after all, far away. But these are people with roots in this country just like the rest of us. In their daily lives, in all of their actions, they represent the United States abroad. They work for American companies, carry American passports, and often live in American enclaves. They are Americans in every sense of the word.

We should heed their concerns not only because of their citizenship, but because they are some of our most important players in the battle to increase exports. Many of them work overseas for American firms helping to sell American products. They purchase American goods, from food to cars to clothes, introducing their foreign friends to American products. Their role in increasing the exposure of American products helps us gain a foothold in often stubborn foreign markets.

Instead of recognizing these valuable contributions, U.S. law, perhaps unintentionally, often discriminates against them. We are the only major industrialized nation in the world that levies incomes taxes on all of its citizens, not just on all of its residents. Consequently, Americans overseas are taxed twice, once in their country of residence and again by the United States—a one-two punch that discourages many companies from opening offices abroad.

Second, American citizenship laws are sometimes arbitrary and misguided. We are one of the most generous countries in the world when it comes to granting citizenship to foreigners. For example, if a Russian tourist has a child on American soil, the child is entitled to American citizenship. Yet our laws make it extremely difficult for American citizens overseas to acquire citizenship for their children. It is five times easier for a child born out of wedlock to one American parent living abroad to gain citizenship than it is for a child of one American parent and one foreign parent living in the same country. This is clearly an antifamily provision which ought to be be changed.

A third anomaly has made it difficult for American civilians living abroad to obtain employment in American Embassies. I am not talking about high security jobs, or jobs where a national from the host country is needed. I am talking about the hundreds of administrative jobs, from drivers to librarians to secretaries to accountants, now occupied by other employees which might easily be filled by American civilians. The United States is one of the only countries in the world that largely excludes its own citizens from employment in its Embassies. Most other countries actively recruit job applicants from their homelands for Embassy employment.

It is time that we start treating Americans living abroad as full citizens. The amendment I offer today will recognize that Americans abroad have the right to equal employment opportunities by reversing the discriminatory hiring practices that our Government has practiced in its foreign embassies.

Americans living abroad often meet all of the qualifications for Embassy employment: Fluency in the language, intimate knowledge of the culture, personal contacts in the country, and familiarity with the currency. Ironically, the only thing preventing them from being hired is their American citizenship.

The exclusion of American citizens from employment opportunities has caused several extremely unfortunate situations. I have received letters from Americans abroad who were told by personnel officers that they were the most qualified job applicants for a position. When Embassy personnel discovered, however, that the applicants were American citizens, they were denied the job. In at least one case, an American was forced to give up her American citizenship in order to accept a job at an American Embassy.

Mr. President, it is deplorable that the U.S. Government discriminates against potential employees on the basis of nationality. But the fact that it discriminates against only American citizens is simply ridiculous. In fairness, this is not entirely the State Department's fault. The law authorizes employment for foreign nationals and for relatives of U.S. Government employees but is unclear about the third category of U.S. citizens who are not such relatives. Many Embassy administrative officers have interpreted that omission to mean that such employment is prohibited.

The amendment (No. 885) I am offering will correct this confusion. It is permissive. It provides the necessary legal authority to hire Americans who are not also relatives of Government employees. It will not require the State Department to hire Americans when the Embassy feels it necessary to hire a foreign national. It will not require the department to end its preferential hiring program for Embassy dependents and spouses who are often legally prevented from working in their host country. It will not force Embassies to hire Americans who have not passed security clearances for jobs which require security clearances. What it will do is permit the State Department to hire U.S. citizens if it so desires.

The State Department supports this measure. Its managers realize that it will provide them with greater flexibility to staff our Embassies with the most qualified personnel consistent with the public interest. The main goal of this amendment is to end discrimination against a group of Americans and take a first step toward treating them as full citizens. In doing so, I understand that these Americans hired abroad will be compensated based on the same scale applied to other Americans. These Americans should be treated just like every other American employee in the Embassy.

Mr. President, this amendment is not so much about employment law or about the administration of the State Department as it is about protecting the rights of a group of American citizens who are currently being treated unfairly. By adopting this amendment, we will begin to restore equity for a group of American citizens we have too often forgotten.

I urge my colleagues to support this amendment. It will achieve real progress in ending discrimination against over 3 million Americans, and provides a no-cost means for expanding the job and economic opportunities for our fellow citizens living in other parts of the world.

Mr. PELL. Mr. President, it is my understanding that the Senator from

West Virginia does not intend to require the State Department to change its current compensation procedures. At the present time, I understand the Department does not intend to change its compensation procedures which pay Americans abroad at American, rather than host country, rates. As I read this amendment, it will permit the Department to continue that practice and provides for the same treatment for the category of Americans who are not relatives of U.S. Government employees.

Mr. ROCKEFELLER. The Senator is correct. As I stated when I offered the amendment, it is my intent to restore equity to the hiring practices of American Embassies. At the same time, however, it is also my intention that these American citizens be treated for compensation purposes, as all other Americans currently are. I have conferred with the State Department and have no objection to their preference for maintaining equity among their American employees by paying American civilians hired abroad on the same wage scale as their other American employees: Both foreign service career officers and American spouses and dependents. This is the sensible solution—we would not want two American citizens working in essentially the same positions but earning substantially different salaries.

AMENDMENT NO. 886

(Purpose: To require that the United States Government hold certain discussions and report to Congress with respect to the secondary and tertiary boycotts of Israel by Arab nations)

At the end of the bill, add the following:

TITLE X—PROCOMPETITIVENESS AND ANTIBOYCOTT ACT OF 1991

SEC. 1001. SHORT TITLE.

This title may be cited as the "Procompetitiveness and Antiboycott Act of 1991".

SEC. 1002. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the Arab boycotts of Israel have distorted interntional trade and investment;

(2) the secondary and tertiary boycotts of Israel by Arab nations has put American companies refusing to obey it at a competitive disadvantage;

(3) the secondary and tertiary boycotts of Israel by Arab nations has stifled foreign investment in Israel;

(4) companies that conform to the boycotts contribute to the distortion of international commerce and investment; and

(5) it is in the interest of all nations to have free trade and a liberal climate for investment.

SEC. 1003. OECD REPORT.

(a) DISCUSSIONS AT THE OECD.—The United States Ambassador to the Organization for Economic Cooperation and Development (OECD) shall discuss with representatives from other OECD member nations—

(1) the extent to which companies, public and private, obey the secondary and tertiary boycotts of Israel by Arab nations;

(2) the effectiveness of antiboycott laws of those nations that currently have or have had such laws;

(3) the extent to which the boycotts has skewed global trade and investment, as well as regional trade and investment in the Middle East;

(4) the extent to which companies not obeying the boycotts are placed at a competitive disadvantage as a result of the boycott;

(5) the extent to which the boycotts contradicts OECD trade and investment policy; and

(6) the development of a set of guidelines, using the Arrangement on Export Credits as a model for the development of these guidelines, that OECD nations can agree on as a way to eliminate compliance with the Arab secondary and tertiary boycotts of Israel.

(b) REPORT TO CONGRESS.—The United States Ambassador to the OECD shall submit to Congress a report six months after the date of enactment of this Act on the progress of discussions as described in section 1003(a).

SEC. 1004. GATT REPORT.

(a) IN GENERAL.—The United States Trade Representative shall enter into discussions with representatives from member nations of the General Agreement on Tariffs and Trade (GATT) to determine the extent to which—

(1) the Arab secondary and tertiary boycotts of Israel has distorted trade;

(2) members of and observers to the GATT encourage actions, including the furnishing of information or entering into implementing agreements, which have the effect of furthering or supporting the secondary and tertiary boycotts;

(3) the GATT can and should work to eliminate the Arab secondary and tertiary boycotts of Israel; and

(4) GATT articles, specifically Articles I and XI, can be used to eliminate compliance with the secondary and tertiary boycotts and what additional measures, including penalties, can be applied to nations imposing and obeying the secondary and tertiary boycotts.

(b) REPORT TO CONGRESS.—The United States Trade Representative shall submit to Congress a report six months after the date of enactment of this Act on the discussions as described in section 1004(a).

SEC. 1005. PRESIDENTIAL REPORT.

Not later than 90 days after the date of enactment of this Act, the President shall submit a report to the Congress on—

(1) what progress has been made on getting other nations to end compliance with the secondary and tertiary boycotts; and

(2) what progress has been made to get Arab nations to end the secondary and tertiary boycotts of Israel.

SEC. 1006. DEFINITIONS.

For purposes of this Act, the term "secondary and tertiary boycotts" mean the boycotts by Arab governments of companies which provide goods or services to Israelis or Israeli firms, invest in Israel or Israeli firms, ships that call at Israeli ports, and the goods and services of people or entities which support the State of Israel.

Mr. LIEBERMAN. Mr. President, today I am offering an amendment that will help to make American companies more internationally competitive by getting our economic allies to persuade companies within their borders to stop obeying the secondary and tertiary boycotts of Israel.

The boycott of Israel by Arab nations has been in existence since the mid-1940's when the Arab League formalized the boycott of Palestinian Jews. While it is bad enough that Arab nations themselves refuse to deal with Israel, it is even worse that they have created a blacklist of companies from third-party nations that engage in economic relationships with Israel.

It is against the law for American companies to obey the secondary boycott of Israel. But our law can only truly be effective if we get other nations to do the same: Ignore the secondary boycott. We need to create a level playing field for American companies to do business where they want by making certain that no nation that believes in free international trade in any way condones the participation of a company within its borders in the secondary boycott. In a very real way, the secondary and tertiary boycotts are the ultimate expression of disregard for a market based economy.

While we in this country have some good laws on the books to prohibit the participation of American companies in these restraints on trade, we must begin the process of getting other nations to do the same, either through the passing of their own tough domestic laws that would penalize companies that follow Arab League boycott guidelines, or by establishing international rules of the road for ending boycott compliance.

On March 16 of this year, I hand delivered a letter signed by 85 of my colleagues in this body to Crown Prince Saad of Kuwait, asking that his government end the secondary boycott of Israel. Since that time, a number of Senators have raised the issue of the secondary and tertiary boycott with the White House and the governments of other nations.

The amendment that I have introduced is similar to legislation I introduced earlier this year which is cosponsored by 18 Members of the Senate. This amendment, like the bill, emphasizes the harm that the secondary and tertiary boycott has on the international commerce and calls on international economic organizations that were founded on the principles of free trade to play a part in ending the boycotts. I refer specifically to the OECD and the GATT. The amendment also requires a report from the administration to the Congress on progress that has been made to get other nations to end compliance with the boycott and to get the Arab nations to end the boycott entirely.

I attempt to achieve these goals in three fundamental ways: First, by requiring our Ambassador to the OECD to enter into negotiations with other member nations on what steps must be taken to end compliance with the boycott, by establishing guidelines on how to eliminate compliance with the secondary boycott; second, by requiring the USTR to enter into discussions with members of the GATT to get that organization more involved in trying to eliminate the secondary and ter-

tiary boycott; and third by requesting that the President send a report to the Congress on what steps the administration has taken to end the boycott.

This amendment points out and attempts to address the anticompetitiveness aspect of the secondary and tertiary boycotts. The primary boycott is an issue that will be addressed by Israel and the Arab nations. But the secondary and tertiary boycotts affect American companies. Why should American companies be penalized as a result of this pernicious practice. That is not good for American business. That is not fair competition. It's blackmail, and it has to stop.

I ask my colleagues to support the amendment.

The PRESIDING OFFICER. Is there debate on the amendments? If not, the question is on agreeing to the amendments.

The amendments (Nos. 881-886) were agreed to.

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

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

The motion to lay on the table was agreed to.

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

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

Mr. PELL. Mr. President, I would like to point out to our colleagues that we have now passed 11 a.m. This is an important bill. We want to get through not too late this evening. I hope any Senators with amendments will come over to present their amendments at this time. Our intention is to keep moving, and we hope to finish in the early evening.

ORDER OF PROCEDURE

Mr. DOMENICI. Mr. President, I in no way want to delay anyone who has an amendment. But might I ask the distinguished manager, the chairman, if I can have 15 minutes as if in morning business with the clear understanding that, If that is in any way delaying, I will stop at any time that he desires.

Mr. PELL. If an amendment, an actual amendment in hand, comes over, the Senator will desist. Otherwise we will all be educated in this 15 minutes.

Mr. DOMENICI. I thank the chairman very much. I ask unanimous consent that I be permitted to speak up to 15 minutes as if in morning business with the understanding that, if the chairman needs any of my time so as to proceed more diligently with the amendment, I will be glad to yield back whatever I have not used.

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

THE NATIONAL COMMISSION ON CHILDREN

Mr. DOMENICI. Mr. President, not too long ago a very distinguished group of Americans, 34 in number, men and women, Republicans, Democrats, and Independents, so that they were not picked by any party denomination, chaired by the distinguished junior Senator from West Virginia [Mr. ROCKEFELLER], delivered to the people of this country a report. The National Commission on Children issued their report on the status of children in the United States of America.

Mr. President, most of the attention regarding that report has focused upon material things that the young people of America need—focused on hunger, focused on health care and the like, all of which are very, very important.

But, Mr. President, a certain portion of this report, chapter 12, is a most extraordinary chapter, and I believe it is historic in that it is in a sense a Government document because it was produced by a public Commission—I have just described the Commission, 34 Americans appointed by Congress and the President, chaired by the distinguished Senator ROCKEFELLER from West Virginia—but, interestingly enough, Mr. President, this report is not about material shortcomings of the young people of this Nation, but rather, believe it or not, is styled creating a moral, m-o-r-a-l, a moral climate for children.

Believe it or not, the very first paragraph says:

> The acquisition of values and a moral framework for decisionmaking is a central aspect of human development.

And it continues and says:

> The ability to distinguish between right and wrong, to empathize with the feelings and concerns of others, and to act upon these judgments is uniquely a human characteristic.

And it proceeds to say that every successful society is marked by a common value and common values that determine the nature and conduct of relationships between individuals and between the larger community of members.

And it proceeds on:

> Today, too many young people seem adrift without a steady moral compass to do their daily behavior or to plot a thoughtful and responsible course for their lives. We see the worst manifestation of this in reports of violent and predatory behavior by adolescents in large and small communities across this land. It is evident, in their lifestyles and sexual conduct, that they indulge in personnal gratification at the expense of others and at the expense of others' safety and well-being. It is revealed as well in a culture that ranks wealth and acquisition of material possessions above service to one's community or nation. It is also demonstrated in a declining voting rate of our younger citizens.

Mr. President, this report of about 22 pages proceeds to indict all of us, to indict parents, to indict business leaders, to indict those who are part of the media of this country, particularly those who are part of radio and television, and admonishes us all to change so that the young people of this Nation will not see what they are now seeing as a daily diet by way of pornography, murders wholesale, the gorier the better, sexual conduct that is beyond what any of us thought we would be seeing on the public networks. The young people of America see these as a daily diet.

Mr. President, I was amazed the other day when I was looking at what a couple of States—the State of Michigan, and the city of Rochester, NY, what these two communities in America—said about what employers wanted most of employees for skilled and semiskilled jobs. Guess what they said.

We have been led to believe that employers are very concerned about mathematics, two languages, proficiency in English, knowledge in history. But guess what the report showed? It showed that, in those two jurisdictions, with respect to skilled and semi-skilled jobs, of the first five things employers were looking for, none of them had to do with academics, believe it or not.

They wanted to know whether you were on drugs or not, whether you were prone to drink too much, whether you knew what integrity and honesty was. Did you understand what it was to be a fellow worker in the same place and have people that depended upon you? They were all values. Believe it or not, the employers were looking for basic values that would produce a credible, sensible, hard-working employee, man or woman.

Only if you went beyond the first five to the 6th 7th, maybe even the 10th criteria for employment, did you run into academic needs. I am not suggesting that there is any relationship between those particular semiskilled and skilled job preference requirements and education. I submit to you that there is something in there that is related to this chapter, changing a moral climate for our children, or creating a moral climate for our children.

Mr. President, I believe that those who put this report together—and I gathered from what I have heard from the distinguished chairman that, believe it or not, after all the work that was done on this report about the status of children, this one was unanimous; that everyone agreed, as I indicated, men and women in different stages and different states of life, obviously, different cultures and different heritages by way of origin, they all agreed 100 percent that the things in this report that pertained to creating a

moral value for children is an American must.

I rise today to comment on it for a couple of reasons. I hope that more Americans will avail themselves of this. I hope more business leaders will avail themselves of this. I hope more bishops and archbishops will avail themselves of this, more priests, and clergy, and ministers and those who are training our young people; and yes, more teachers and principals and those who are professionally educating our children; and, yes, those who are dreaming up the substance from which place TV serials and the like are produced.

I understand in this society we are really governed only by constitutional limitations, and there are few when it comes to speech. Therefore, there are few when it comes to what you can write, show on television, and put on a radio. But because you can do it, I do not believe that means you have to do it.

I believe it is an absolute must that this report be embraced by millions of Americans. And just as they become proponents of what the Federal Government and the State government ought to be doing for young people, in material ways, such as nutrition, health, and education, I hope they all look at chapter 12 and say: What can we be doing about this, creating a moral climate for children?

Last, I hope that more will look at this, look at this either in this CONGRESSIONAL RECORD, or avail themselves of a copy of it, and ask themselves, what can I do with it, so that it will indeed get passed on from person to person, because who knows when it will find itself before somebody who can have a real influence.

I submit, anyone with any kind of concern about this country and its future—and it is a grand and glorious country—in fact we are as free as we can be. The fact that we are so free is part of the problem encapsulated in this chapter. Nonetheless, as I indicated, freedom does not mean that we must act always to the outer limits, but rather we must continue to create a moral climate for children. I believe this offers a rare opportunity for people to support it, to promote it, and do something about it.

Mr. President, I ask unanimous consent that the report to which I have alluded—and I have not quoted from very much because I do not have time; I have stated it in my own words—be printed in the RECORD at this point.

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

CREATING A MORAL CLIMATE FOR CHILDREN

The acquisition of values and a moral framework for decision making is a central aspect of human development. The ability to distinguish between right and wrong, to empathize with the feelings and concerns of others, and to act upon these judgments is a uniquely human characteristic. Every successful society is marked by common values that determine the nature and conduct of relationships between individual and between the large community and its members. These values are the glue that holds societies together and motivates people to behave in socially responsible and acceptable ways.

The National Commission on Children's hearings, town meetings, site visits, and discussions with children, teenagers, parents, and other adults revealed much that was troubling about the values that many children learn from the actions of their parents and prominent citizens, from the media and other manifestations of popular culture, and from the subtle messages of the nation's social policies and institutional practices.

Today, too many young people seen adrift, without a steady moral compass to direct their daily behavior or to plot a thoughtful and responsible course for their lives. We see the worst manifestation of this in reports of violent and predatory behavior by adolescents in large and small communities across the nation. It is evident in lifestyles and sexual conduct that indulge personal gratification at the expense of others' safety and well-being. It is revealed as well in a culture that ranks wealth and the acquisition of material possessions above service to one's community or to the nation. It is also demonstrated in the declining voting rates of young citizens.

Much of what we saw and heard also made us worry about the public values implicit in individual words and actions and in Americans' failure to act in concert to change the conditions that harm children and undermine their familes' ability to support and nurture them. As a commission on children, we could not avoid questioning the moral character of a nation that allows so many children to grow up poor, to live in unsafe dwellings and violent neighborhoods, to lack access to basic health care and a decent education. In our visits to communities across the country, we saw the consistent presence of institutional immorality—often unintended, but present child welfare system and the public health system. We visited schools with leaky roofs and playgrounds littered with addicts' needles. We talked to students who feared they would be shot on their way to school. We met a homeless child who spoke of sleeping on the floor of a welfare hotel, and a runaway girl who shared the nightmare of his life on the streets.

Of course, we heard as well of individual and collective acts of tremendous generosity and kindness, but we had to ask why these were the exceptions and benign neglect so often the rule. We wondered about the moral message conveyed to children through public actions and individual behavior—messages about their worth to adults, about what they should strive for in their lives, and about how they should view and treat others.

Children and adolescents need clear and consistent messages about personal conduct and public responsibility. "The National Commission on Children therefore urges public and private sector leaders, community individual Americans to renew their commitment to the values of human dignity, character, and citizenship and to demonstrate that commitment through individual actions and in the setting of national priorities." Specifically, we recommend that:

Parents be more vigilant and aggressive guardians of their children's moral development, monitoring the values to which their children are exposed, discussing conflicting messages with their children, and, if necessary, limiting or precluding their children's exposure to images parents consider offensive;

The recording industry continue and enhance its efforts to control the distribution of inappropriate materials to children;

Television producers exercise greater restraint in the content of programming for children, and stations show greater restraint in the amount and type of advertising aired during children's programs;

Communities create opportunities for voluntary service by children and adults and recognize the contributions of volunteers; and

Individuals renew their personal commitment to the health and well-being of all the nation's children and demonstrate this commitment by giving highest priority to personal actions and public policies that support children and value families.

THE ROOTS OF CHILDREN'S MORAL CONFUSION

At least some of children's moral confusion stems from the conduct and attitudes of prominent adults and major social institutions. In recent years, the nation has seen religious leaders and public officials involved in scandals that belie their professed commitment to family values and betray the public's trust. Leading financiers and corporate executives have been prosecuted for enriching themselves at the expense of their clients or shareholders. Rampant materialism among adults fosters shallow ambitions in children and encourages them in empty, reckless, and sometimes dangerous pursuits. The media and entertainment industries glamorize drugs, sex, greed, and violence through movies, television, and music, and in the personal lives of some popular entertaiments and athletes.

There are also disturbing indications that a growing number of mothers and fathers lack both the ability and the commitment to be responsible parents. Profound social and economic changes in the past two decades have fundamentally altered the roles and relationships of many parents and children, as well as the routines of family life. Some of these changes have had troubling consequences. More children today grow up without the consistent presence of a father in their lives. Working parents, even in two-parent families, find it difficult to spend as much time with their children as they would like and their children need. A higher percentage of unmarried teenagers give birth today than in decades past, and these young mothers often lack the maturity, economic means, and parenting skills to care for themselves and their children.

Finally, children's moral confusion reflects the contraditions that exist in the larger society around them. Individual and collective actions often belie our stated allegiance to common values. For example, the links between race and economic disadvantage surfaced so often in our investigations that we question the depth of the nation's commitment to eradicating racism. Violence pervades the lives of so many of the children we met that we question society's commitment to protect and nurture its young people. Longstanding policies and established practices that belittle the poor and shortchange the young seem to deny Americans' commitment to the common good.

In more than a year of hearings, town meetings, site visits, and focus groups, the Commission received a consistent message from adults and children alike that too many Americans have drifted away from the values and beliefs that promote personal

happiness, strong, supportive families, and a caring society. This message was highlighted by parents in Indiana, teenagers in Boston and Kansas City, and ministers in South Carolina. It was also the central theme of testimony by the U.S. Secretary of Health and Human Services, who called for restoratioon of "a vigorous, demanding, dynamic culture of character."

THE NATION'S VALUES

America is a pluralistic society, strengthened by the variety of cultures that continually recreate our nation. The nation's founders sought to protect this diversity by enshrining freedom of speech and worship in the Bill of Rights. To this day, the coexistence of an array of viewpoints in the nation is cause for pride and powerful testimony to our love of freedom.

But we must also be concerned about how our children develop values and about the values we convey to them individually and as a nation. There is a growing sense that, in its effort to protect diversity, America has neglected its concomitant responsibility to preserve and protect certain fundamental values that govern our conduct toward others and define our rights and obligations as citizens. Commendably, Americans have resisted efforts to impose a uniform culture through the schools, the media, or government action. Yet in so doing, we may also have neglected to stress to children the common values upon which a free and vibrant society depends—respect for human dignity, the cultivation of personal character, and the exercise of responsible citizenship. These are the values that all sectors of society must reiterate to the nation's children in words and actions.

Human dignity

Human dignity has three components. The first is self-respect, or respect for one's own body, behavior, and beliefs. Self-respecting individuals refuse to let others exploit them, and they adopt health and behavioral practices that promote their physical and psychological well-being. Self-respect is a prerequisite for treating others with dignity and respect.

The second aspect of human dignity is respect for others, which includes respect for diversity and a refusal to condone bigotry or accept discrimination based on race, religion, gender, or lifestyle.[1] Respect for others does not imply agreement with them, but it does reflect a fundamental commitment to treating all individuals with dignity. Respect for others also reflects an understanding of the relationship between rights and responsibilities and therefore entails a refusal to enter into relationships that benefit only oneself.

Finally, human dignity involves caring—having compassion for those in need, regardless of whether their own actions contributed to their need. A caring individual and a caring society practice charity toward the weak and the vulnerable through individual acts and community efforts.

Character

Men and women of character exemplify ageless virtues—hard work and perseverance, a willingness to accept responsibility for their own actions, and personal integrity. They reject deceit and believe honesty must be at the core of human interactions and experiences. Individuals of character recognize that it is wrong to take unfair advantage of others, whether through exploitation of weakness, refusal to accord them a fair share of resources and opportunity, or adoption of rules and practices that reflect selfishness and greed. They also reject violence as a means of resolving disputes or satisying desires.

Citizenship

The United States was founded on democratic ideals. American history is a continuing struggle to bring these ideals to reality through participation in the processes and institutions of government at every level, through respect for the legitimate use of law and authority, and through the willingness to speak out when power is abused or rights are arbitrarily restricted. True patriotism, based on both an understanding and an appreciation of the history and traditions of the nation, demands nothing less. Freedom is the great privilege of citizenship in a democracy. Intelligent exercise of that freedom and willing acceptance of one's civic duties are the accompanying obligations.

Every recommendation in this report, as well as its underlying rationale, embodies these values.

HOW CHILDREN DEVELOP VALUES

Children's moral development has long been the subject of intensive investigation. Scholars disagree about how much influence various factors have in the acquisition of values, but they generally agree that children's moral development, like their physical, intellectual, and social development, is a gradual process that begins in the early years of life and continues through adolescence. As children grow and mature, their sense of right and wrong becomes more sophisticated, and their responses to situations requiring ethical judgments become more complex.

Throughout the various stages of moral development, children are influenced by the people around them, beginning with parents and extending to other adults and peers. Children are also influenced by the major social institutions in their lives, by their surroundings, and by their culture.

Parents

Children learn to live in society by living in a family. Parents influence children's values through the example they set in their daily lives, by establishing and enforcing rules, and by communicating approval or disapproval of a child's actions. By creating an orderly and reliable environment, parents give children the security to gradually acquire independence. By creating a loving environment, they make children feel valued, a necessary condition to being able to value others. Not surprisingly, almost two-thirds of children interviewed in a recent national survey indicated that they turn to their parents for moral guidance.

A growing body of social science research highlights the link between family relationships and adolescent risk-taking, particularly early initiation of secual activity. In general, young people are less likely to become sexually active at a young age when children and parents share the same values, when family ties are close, and when parent-child relationships are based on communication and strong parental support. Other studies show that teenage girls are less likely to engage in early sexual intercourse when their mothers' parenting style combines affection with firm, mild discipline and clear limits on behavior. The Commission's surveys of parents and children suggest that children appreciate their parents' steady guidance and consistent enforcement of rules. While about half of the children surveyed were satisfied with the amount of oversight they received from their parents, 8 percent reported wishing "a lot" of the time that their parents were "more strict" or "kept closer watch" over them and their lives. Thirty-nine percent said they sometimes felt that way. Only 2 percent said they never want their parents to be stricter or more attentive.

Other Adults

As children grow, their circle of influential adults widens, and they are exposed to other authority figures and role models. Adults who link children with community institutions, particularly teachers, religious leaders, school counselors, and leaders of youth service organizations, also influence children's moral development, although not nearly to the extent that parents and other relatives do. These adults play a greater role in establishing a moral climate for decision making than as advisors on specific moral or ethical dilemmas. A national survey of the beliefs and moral values of American children indicates that children are generally reluctant to turn to adults such as teachers or clergy for advice on specific questions of morals or values. This is true even for children who indicate that their teachers care about them for those who state that religion is an important part of their daily lives.

When asked to identify the celebrities or national heroes they admire, children are most likely to name entertainers and athletes. These individuals provide a frame of reference for children as they confront moral and ethical decisions. Accordingly, when the actions of celebrities perpetuate a culture of greed, self-aggrandizement, and irresponsible behavior, they send harmful messages to children and youth.

Peers

Peers have considerable influence, both positive and negative, over children's moral development. In peer relationships, children learn about reciprocity, cooperation, fairness, and sharing. As children get older, they are increasingly likely to turn to their friends, rather than their parents or other adults, for ethical advice or moral guidance. Adolescents' perceptions of their friends' actions and beliefs—accurate or not—have enormous influence over their own behaviors and attitudes. For example, teenagers who believe that a high proportion of their friends of the same gender are sexually active (or would like to be) are much more likely to become sexually active themselves.

Socioeconomic factors

Major economic and social forces can also influence a young person's values. Research suggests that hard economic times can cause some young people to question and even reject the values they learned as children. For example, the recession of the late 1970s and early 1980s and the decline in low-skill manufacturing jobs corresponded with a growing sense among many young blacks and blue-collar whites that their future prospects were limited at best, that the value of education and employement skills was questionable, and that their ability to make and sustain a viable marriage was in doubt.

Recent decades have also been marked by changing attitudes and less consensus on appropriate sexual conduct, childbearing, and marriage. For some parents and children, it may appear that society has changed the rules in the middle of the game. In other families, parents' moral guidance may strike children as irrelevant to the circumstances

[1] At times, individual rights yield to the right to religious freedom. It is the practice of some religious communities, for example, to assign different roles to men and women.

they see around them. In still other families, parents may find themselves questioning their own moral beliefs at the same time their children are looking for clear guidance.

Religion

The drafters of the Constitution denied state support to any religion, but they also protected freedom of worship, believing that the exercise of religion would encourage the development of moral character among the nation's citizens. Indeed, religious leaders have inspired or led many of the nation's major social and political movements, including the temperance movement, the civil rights movement, and the "Moral Majority."

Through participation in a religious community—in communal worship, religious education, and social action programs—children learn and assimilate the values of their faith. For many children, religion is a major force in their moral development; for some, it is the chief determinant of moral behavior. Research on the effects of religion on children's day-to-day conduct also suggests that teenagers who are religious are more likely to avoid high-risk behaviours. Surveys of parents and children conducted by the National Commission on Children found that children whose parents described themselves as "very religious" were more likely to report that they could talk to their mothers about personal problems or concerns and that their mothers respected their ideas and opinions. These children were also more likely to report frequent discussions with their parents about religion or values.

Schools

There is no such thing as value-free education. Society's values are implicit in what schools teach, how they teach it, and whether or how they urge students to apply these lessons to their daily lives and future plans.

In addition, American public schools have taught an explicit values curriculum for much of their existence. Though the mid-nineteenth century, this curriculum largely embraced Protestant values, conveyed through the Bible readings, prayers, ceremonies, and some reading materials. By the end of the nineteenth century, this was replaced by "character education," a secular form of moral education that emphasized such virtues as honesty, self-discipline, kindness, and tolerance through cooperative endeavors and extracurricular activities. In recent decades, moral education in public schools has oftern advocated resolving moral dilemmas through the clarification of values and the application of reason, but it has avoided endorsing values or beliefs that may not be universally shared. In similar fashion, public school textbooks typically avoid reference to mainstream religious practices in the United States or what some consider to be traditional values.

As American society has become more diverse, some parents are uneasy about the values their children are taught in school. This has understandably made textbook publisher, teachers, and school administrators more cautions in the values they espouse. The perverse result, however, is that a major social institution entrusted by most parents with preparing children for adulthood is too often silent on critical moral and ethical issues.

In recent years, a number of school programs have stepped into the void with curricula deliberately designed to teach values considered by leading educators to be fundamental to life in a democratic society. The Baltimore County Public Schools, for example, developed a values education program that uses the Constitution and the Bill of Rights to identify common national values. Lessons about those values are incorporated into students' coursework and the daily operations of the school. Elsewhere, values education program stress civic involvement and community service.

Popular Culture

Popular culture, as expressed in a society's music, art, and literature and through the news and entertainment media, has always had a tremendous influence on individuals' thought and conduct. This is particularly true for children and adolescents, whose ability to understand the cultural and behavioral messages they receive and to distinguish between "real life" and what they see, hear, or read develops gradually, along with their ability to make judgments about the validity of cultural messages for their lives and personal conduct.

Cultural conflicts between generations are an age-old phenomenon. It seems that adults have always worried about the negative influence of popular culture on children. The music and dance of the 1950s were considered scandalous by some, as was the advent of "long hair on men in the 1960s. Throughout the twentieth century, parents in communities across the country have at one time or another expressed concern or outrage over books assigned to their children in school or records sold to them. In many cases, what shocked one generation's parents has often seemed routine, even quaint, to that same generation's children.

In recent years, however, some trends in television programming, news reporting, advertising, movies, and music have gone beyond normal cultural changes and are cause for lasting concern by parents and others interested in children's development. From a very young age, children today are increasingly exposed to images and messages that are extremely violent, gratuitiously and explicity sexual, and overtly hostile toward and demeaning of women and minorities.

Television: Children born today will spend more time watching television than doing anything else except sleeping. An average 6-month-old watches television nearly one and a half hours a day. By age three, children become purposeful viewers and can identify their favorite shows. Viewing time peaks at an average of four hours per day in early adolescence and then levels off at two to three hours per day in the teenage years.

A growing body of television programming for children has proven educational benefits. Viewing programs such as "Mr. Rogers' Neighborhood," "Sesame Street," "ABC Afterschool Specials," and others has many benefits. These programs foster positive social behaviors, counter racial and ethnic stereotype, and promote intellectual skills that are essential to success in the early school years. At the same time, a number of shows for a general audience, including "Family Ties," "The Cosby Show," and 'A Different World," have set new industry standards for the responsible airing of controversial social issues and for the thoughful treatment of sensitive personal issues.

Much of the programming produced for young children, however, seems to make little or no effort to promote common values. Most programs on weekend days are highly violent, albeit the violence is often of a "humorous" nature. In recent television seasons, children were "entertained" with more than 25 acts of violence per hour. On each of the three major commercial networks, children's weekend, daytime programs are consistently three to six times more violent than the programs broadcast in prime time. The amount and quality of advertising that accompanies these shows are also troubling, since children are less resistant than adults to marketing messages. Children's programming is interrupted more frequently than other programming with advertisement directed to children as consumers. In recent years, shows have even been developed around characters based on toys, in effect creating half-hour and hour-long commercials.

As children get older, their viewing preferences shift from children's fare to more general programming, exposing them to frequent depictions of sex, violence, substance abuse, and crime before they have the intellectual skills and the maturity to handle them. Teenagers are exposed to an estimated 3,000 to 4,000 references to sexual activity on television and in movies each year. The levels of violence portrayed on television, particularly in the early evening hours, when school-age children are most likely to be watching, increased dramatically in the mid-1980s. At the same time, news coverage of violent episodes at home and abroad has increased, leading some child development professionals to worry about its impact on children.

Some researchers maintain that television violence has little effect on viewers. Others conclude that it causes some children to have heightened concerns over their personal safety and leads to subsequent aggressive behavior, particularly among children and others who regularly view television violence over long periods of time. In 1989, the American Academy of Pediatrics concluded there was sufficient evidence to suggest that protracted television viewing is one cause of violent or aggressive behavior. It further expressed concern over television's implicit and explicit messages to young viewers promoting the use of alcohol and promiscuous or unprotected sexual activity.

Beginning in the 1970s, explicit and implicit sexual messages on television increased dramatically, rarely accompanied by mention of abstinence, contraception, or consideration of the negative consequences of unintended pregnancies and sexually transmitted diseases. Television advertising has similarly adopted sex as a major theme, using sexual innuendos and overtones to promote everything from automobiles to fast-food restaurants.

Television is a fact of life in America today, and few parents would ban it from their homes. Still, even the most careful parents feel helpless at times before the steady onslaught of advertising, violence, and sex that pours forth from the family television. For many parents, television has become a double-edged sword. It often achieves its potential as an educator, entertainer, and even occasional babysitter. Yet it frequently presents children with values and messages antithetical to parents' most deeply held beliefs. Moreover, unless it is controlled, television viewing may take time away from other activities that have more social, educational, or physical benefits.

Music and Music Videos: Musicologists and psychologists have contended for years that music has emotional impact. It can soothe or excite listeners, evoke sadness or euphoria. Yet public concern has grown over the potential impact on children and teenagers of some contemporary music and music videos. In particular, heavy metal music has focused increasingly on extreme violence that is generally sexual in nature and directed against women. A University of Georgia study con-

cluded that music videos produced by heavy metal groups are "violent, male-oriented, and laden with sexual content," with violence occurring in almost 57 percent of the videos that were examined. More than 80 percent of these videos also linked sex with violence. Recently, some observers have expressed similar concern about the content of some rap music, finding it violent, misogynous, and anti-Semitic.

In recent years, individual parents and organized parent associations have expressed mounting concern over the effects of offensive lyrics and images on teenagers and younger children. Most music popular with children and adolescents, however, appears mainstream in its value orientation, and existing research does not demonstrate massive negative effects from popular music. Correlational studies indicate that while music may reinforce listeners' dangerous or antisocial behavior, it does not appear to cause it. In other words, adolescents who are already alienated, have delinquent tendencies, or are similarly at risk may also be more likely to prefer heavy metal and other music that emphasizes aggressive and even violent behavior, but the music itself does not appear to create these feelings.

The recording industry has responded to increasing complaints by pointing out that violent, explicit, and otherwise offensive lyrics and videos are a very small part of the total number of recordings released by the industry. The majority of rock lyrics, they maintain, are either generally unobjectionable or promote positive social attitudes and practices. Moreover, they maintain that music reflects, rather than creates, society's values. Recently, in response to pressure from organized groups of parents, the Recording Industry Association of America has adopted a voluntary labeling system to alert parents and teenagers to products with offensive or explicit lyrics.

ENCOURAGING A BETTER MORAL CLIMATE FOR CHILDREN

Children may not always do as we say, but they will almost always do as we do. Creating a moral climate that teaches children the values of human dignity, character, and citizenship is both a parental and a community responsibility. For most families, the day is long past when parents and small communities could shield children from premature exposure to questionable influences. Today, the diversity of most American communities and the explosion in mass communication technology makes that impossible. Instead, it is up to parents, leaders in the public and private sectors, and communities to work together to ensure that children receive strong and consistent messages about the moral principles they value.

Public values

In stressing fundamental values to children, the Commission believes that two problems warrant particular attention. The first is the persistence of racism, which has plagued the nation since its founding. By the year 2000, one-third of American children will be from a minority group, and for that reason alone, they can expect at some point in their lives to encounter hostility, ridicule, and low expectations. While the nation has made significant progress in eliminating the legal barriers to full participation in American society, attitudes and practices persist that divide the nation and deny some of its citizens equal standing. Further progress will depend in part on changes in personal attitudes and behavior and in part on vigilant government action to protect the rights of all citizens.

Our second concern is the epidemic of violence that claims children and adolescents at a rate unprecedented in the nation's history. Violence, as noted in earlier chapters of this report, kills, maims, and terrorizes too many of our nation's children. Some are perpetrators, more are victims. We hope our recommendations will give young people reason to reject rash acts and take steps to protect their own futures. We also applaud efforts by schools and community groups to teach children and adolescents more peaceful means of resolving conflicts. And we call for public policies to keep weapons out of the hands of children and those who would use them to threaten and harm others.

The Role of Parents

Parents have primary responsibility for their children's moral development. In this area, as in others, parents are their children's first and most important teachers. Through their nurturing, guidance, example, and monitoring, parents convey to children—in words and actions—the values they hold dear.

We reiterate here the principle stated in Chapter 4:

The family has primary responsibility for teaching values and creating the ethical context that is fundamental to our society and our democracy. Children learn to love others by being loved. They learn to respect and value the rights of others by being respected and valued themselves. They learn to trust when they have unwavering support from parents and the other adults closest to them. The capacity for understanding and valuing the feelings of others is present in every child, and it flowers when children are encouraged to empathize with others * * *. From the time they are very young, children learn responsibility and commitment, freedom and dissent in small, manageable steps. Experiences within the family provide them with the moral and ethical framework for their lives as adults.

In light of this enormous responsibility, we also reiterate the recommendation in Chapter 9 urging individuals and society to reaffirm their commitment to strong, stable families as the best environment for raising children, as well as the recommendation urging couples to delay pregnancy until they are emotionally capable of assuming the obligations of parenthood.

As American society becomes more complex, so does the responsibility of parents to monitor, interpret, and buffer the various value-laden messages children receive from the broader community and its major institutions. The National Commission on Children recommends that parents be more vigilant and aggressive guardians of their children's moral development, monitoring the values to which their children are exposed, discussing conflicting messages with their children, and, if necessary, limiting or precluding their children's exposure to images parents consider offensive. We further recommend that parents join together as consumers to urge restraint upon the commercial interests that they believe directly or indirectly send harmful or inappropriate messages to children.

There are many ways parents can exercise such vigilance. They can vote and otherwise set an example of the responsible exercise of citizenship and caring. They can speak out as advocates for their own children and others who have no direct voice in the political process. As recommended in Chapter 7, parents should be actively involved in their children's schools. At home, they can establish and enforce rules about the amount of time and the content of children's television viewing, and they can watch TV with their children, using it as a way to increase family communication through discussions of issues raised on programs. We also urge parents to listen to the music their children listen to and watch the videos, discuss objectionable contents, and, if they believe it necessary, forbid their children to own certain recordings and videos. The Recording Industry Association of America places warning labels on albums, tapes, and discs with explicit lyrics; it is now up to parents to heed those warnings.

Advertisers spend more than $33 billion a year reaching consumers, including children, through television and radio. Children themselves are powerful consumers. In each case, market forces can effect tremendous change. Therefore, in the best traditions of capitalism and democracy, we urge concerned parents to join together in letter-writing campaigns, boycotts, and other forms of legal protest to pressure producers and manufacturers who directly or indirectly promote messages parents consider offensive and damaging to children.

News and Entertainment Media

The news and the entertainment media have tremendous potential to educate children and expose them to other cultures and new ideas. We applaud increasing efforts to develop quality programming for children and teenagers. We further applaud growing recognition within the recording industry of its responsibility to help parents shield children from explicit lyrics. The National Commission on Children recommends that the recording industry continue and enhance its efforts to avoid the distribution of inappropriate materials to children.

Within the television and movie industries, there are many exemplary productions for children, as well as efforts to urge more sensitive programming for children and families. In particular, Children's Action Network has urged producers and writers to base their presentations of complex and difficult issues on current knowledge and the best available information, in this way helping to educate the public and dispel harmful and inaccurae stereotypes. For example, a 1991 episode of "Knot's Landing" portrayed the life of a foster child with great sensitivity and accuracy following meetings that included the show's creative staff, foster children, and child welfare staff.

The Commission remains troubled, however, by the violence and commercialism that pervades television programming for children, especially for young children. To address this issue, Congress enacted the Children's Television Act of 1990 to:

Limit the number of minutes devoted to commercials during children's programming;

Mandate that a television station's educational and informational service to young people be considered as a factor in license renewal;

Direct the Federal Communications Commission to review policies governing commercialization of children's television; and

Create a National Endowment for Children's Educational Television to support the development of new educational programs and series for children age 16 and younger.

The National Commission on Children recommends that television producers exercise greater restraint in the content of programming for children. We further urge television stations to exercise restraint in the amount and type of advertising aired during children's program. Toward this end, we encourage Congress and the Federal Communica-

tions Commission to take all necessary action to implement fully the provisions of the Children's Television Act of 1990.

The Role of Communities

Human dignity, character, and citizenship come to life for children when they are put into action. The National Commission on Children urges communities to create opportunities for voluntary service by children and adults and to recognize the contributions of volunteers that better the community and assist its members. As discussed in Chapter 8, we particularly stress the importance of adult volunteers who can act as mentors, tutors, and role models for children and young people. All children need a special person who cares, who is willing to listen, and who will invest time and energy in them.

We reiterate our recommendation, also in Chapter 8, that communities, schools, and government at all levels continue to create and expand community service opportunity for young people to help them understand and appreciate the values of human dignity, character, and citizenship; to teach them about the broader community in which they live; and to help them develop empathy for others and a sense of their own capacity to improve the lives of those around them. As discussed in Chapters 3 and 8, when children and youth participate in community service activities, they themselves are among the most important beneficiaries in terms of personal growth and greater understanding of the needs of others. Schools, religious institutions, and community organizations are the natural homes for such voluntary activities by children and adults, and they should be encouraged and applauded in their efforts to fulfill this important role.

The Role of Society

A nation's values are measured more by its actions than its words. We are deeply saddened by the absence of widespread moral outrage at the conditions and prospects of so many American children, and we wonder where the personal will and the political leadership are to turn this situation around. Americans' notion of community—of those with whom they feel a bond—appears to grow smaller as the nation grows more diverse. Increasingly, it even appears to leave out children with whom one has no direct tie. In other chapters, we have argued that America's economic well-being and its future as a thriving democracy depend on ensuring that every American child has an opportunity to achieve his or her full potential. We believe our future as a moral society depends on this as well.

Therefore, the National Commission on Children urges all Americans to renew their personal commitment to the common good and demonstrate this commitment by giving highest priority to personal actions and public policies that promote the health and well-being of the nation's children. We recognize that reasonable men and women will differ in their view of what causes many of the ills suffered by children and families today and in their proposed solutions. Yet we also believe that creative solutions emerge from vigorous and thoughtful debate. That has been our experience as a commission, and it is our fervent hope for the nation.

COSTS AND BENEFITS

Congress authorized $4 million for establishment of the National Endowment for Children's Educational Television, part of the Children's Television Act of 1990. We urge immediate appropriation of these funds. The other provisions of the act appear to have only minor administrative costs.

Most of the other recommendations in this chapter do not require money. They require an investment of time, attention, and thoughtfulness by parents and other caring adults, by those in the news and entertainment fields, by educators and government officials. We are convinced that helping young people acquire and maintain strong personal values is an investment that will yield benefits for individuals and for society as a whole for years to come.

CONCLUSION

Americans have long celebrated and jealously guarded the nation's pluralism, viewing with appropriate skepticism those who would impose their own values or doctrines on others. Yet at the root of everything Americans hold dear about their country are fundamental values and rights that have sustained this nation in times of crisis and called forth our best when others are in need. As a society and as individual citizens, we would be well served to cultivate in our children these enduring values of human dignity, character, and citizenship.

In a free society, there will always be tension between freedom of expression and upholding common social values. Censorship is the antithesis of what we embrace. Forging common values will never depend solely on laws, but also on persuasion and example. Success will require thoughtful action and self-restraint by individuals and major institutions with the ability or potential to influence children's moral development. This makes the task of parents, public leaders, educators, media executives, entertainers, and advertisers more difficult, but no less important.

BIOTECHNOLOGY PATENT PROTECTION ACT OF 1991

Mr. DOMENICI. Mr. President, it is interesting that the distinguished occupant of the chair is Senator DECONCINI of Arizona, because I am going to make a statement in support of the Biotechnology Patent Protection Act of 1991, and I understand from the work I have done that the distinguished occupant of the chair is the principal proponent of clarifying the patent laws of our Nation, so that such things as the research and the structure of the human anatomy, which we call genome research, where genes are being located within various chromosome structures. This work is yielding a whole new body of patentable or copyrightable ideas, and it needs to be clarified so we do it right, because we are fearful that we will get down the path with this research and find others are producing the cures, pharmaceuticals and drugs of the future. Obviously, genome and genome mapping is indeed the most significant health wellness activity of our Government. It will open the door to cures for hundreds of genetically-related diseases, and in the process, there will be many patentable items that are seriously different from items in the past. I understand the measure will help immensely with that problem.

Mr. President, I support the bill being sponsored by Mr. DECONCINI that would seek to ensure that American biotechnology companies are able to keep proprietary rights to the products that they develop. It has come to my attention that a decision within In re Durden handed down by the courts 6 years ago has made it difficult to obtain process patents for biotechnology products. However, without this type of patent protection foreign companies are able to take DNA sequence knowledge created in this country overseas to produce products that can then legally be imported back into this country.

In fact this exact process occurred just recently with an American biotechnology company. The Amgen corporation had spent many years and millions of dollars creating a drug by the name of EPO. After obtaining a patent on both the gene for EPO and the microorganism used to produce this drug, Amgen began marketing this promising new product. Soon after this, however, a Japanese company by the name of Chugai Pharmaceuticals used this technology developed by Amgen to produce EPO in Japan and export it to the United States. Had there been a process patent for EPO the Process Patent Amendments Act of 1988 would have prevented the importation of EPO into this country.

Mr. President, I recently held a workshop dealing with technology transfer from the Human Genome Initiative to the American biotechnology industry. I was very pleased to hear of the remarkable progress that American scientists have made in deciphering the Human Genome. Within the last year scientists have found the genes for fragile X syndrome and Lou Gehrig's disease. At the same time medical doctors at the National Institutes of Health have conducted gene therapy aimed at treating a young girl afflicted with the same disease that tragically killed David, the "bubble boy," in 1984.

Further, the knowledge and technology developed by the Human Genome Initiative has provided a further stimulus to the young American biotechnology industry. Last year the biotechnology industry had an annual revenue of over $2 billion and a stock market value of $18 billion. The President's Council on Economic Competitiveness estimates that the domestic biotechnology industry will grow to $50 billion in annual revenue by the year 2000.

Mr. President, everyone in this Chamber is aware of the great pain created by the loss of industries in the past to foreign competitors. The field of biotechnology was created almost exclusively by Americans and we still hold a commanding lead in almost every area of the industry. We must act, with legislation such as this bill sponsored by the distinguished Senator from Arizona, to ensure that biotechnology does not become one more industry that Americans created and then lost.

Mr. President, might I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator has approximately 3 minutes remaining.

ECONOMIC STATUS OF AMERICANS

Mr. DOMENICI. Mr. President, sometime ago, I guess about 4 or 5 days ago, July 24, or the day prior thereto, an article found itself in the Washington Post. It said, and I hold it here: "The Rich Got Richer, the Poor Got Poorer," the study says. "Think tank finds income gap widened in the 1980's."

Mr. President, let me suggest that the Senator from New Mexico has, on a previous occasion, challenged the conclusion of a report such as this, and there is nothing at all new about this one. In fact, if anything, the think tank that produced it is playing with numbers and percentages and dates and, might I say, even worse manner than the previous ones which the Senator from New Mexico attacked.

Let me just see if I can point up why this particular report does not mean what it says. Mr. President, this report starts with the year 1977, and it ends with the year 1988. It is purportedly indicating that the decade of the eighties, which I perceived to be 1981 through the first part of 1990, was a bad decade in that the rich got richer and the poorer got poorer.

Mr. President, let me suggest for those who are putting this kind of thing together that they recognize a couple of principles and go out and ask all their economic friends if they are not true. First, when you have a recession there are two truisms at least. One is the poor get poorer and the poor are hurt the most in a recession. The rich do not get hurt as much in a recession.

I cannot do anything about that, and no one who was in a policymaking position in the 1980's could really fix that. You can go back and check. The people that get hurt the most and the quickest are the poor.

What did they put in this study that makes it absolutely wrong? They put 1977 in, Mr. President, not 1981. They put in 1977, 1978, 1979, 1980, 1981, and part of 1982. Guess what those years were? They included the worst part of the 1970's and repercussions of the 1970's that fell on the early 1980's. And guess what existed during those 5½ years—two recessions, not one. The second one was a big recession, the one in the early years of Ronald Reagan when Federal Reserve Board Chairman, Paul Volcker, ratcheted up interest rates and said, "Let us have a recession and get rid of inflation."

What preceded it? What preceded that recession was the stagflation of the last 2 years of President Jimmy Carter: high interest rates, high inflation, and little or no real growth.

Who was getting hurt during those periods? The poor. The reason I say this is because I really believe what we ought to learn from this is that recessions are not good for America. That is what we learned from it. And they are bad even more so for the poor. There is no doubt that in that over this 5½-year period, the poor got poorer, substantially poorer.

What is the second thing we learn about recessions and periods that follow recession? A very simple proposition: even when you start coming out of a recession, it is difficult to move out of decline large numbers of poor people in the United States. I do not know about other economies that are capitalistic or private enterprise-oriented, but in our second proposition it is hard to move them out and up.

Mr. President, nonetheless, if instead of picking all of those recession years and putting them in this study, and I just told you which ones, 1977, 1978, 1979, 1980, 1981, and part of 1982, if they would have picked the growth years from 1982 through a year ago, what would they have found?

They would have found my third proposition: If you have a sustained recovery everyone gets better, everyone is moved upward. Thousands and thousands of people moved out of poverty into the mainstream.

Mr. President, I ask unanimous consent to print in the RECORD at the conclusion of my remarks a table showing that if anything is true about the growth period from about 1983 through the end of the decade, it is that the rich got richer and the poor got richer, which is what I think we probably want in the American economic system.

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

(See exhibit 1.)

Mr. DOMENICI. Mr. President, what else do we want? We want minorities to move out of poverty, if they have been swept up in it by a recession.

I might remind those who do want growth in America, there are only two states: You are either growing, or you are in recession. I assume not many people like recessions. I think they probably like, whether they want to call it growth or not, the good times that sustained economic growth with low inflation brings.

I submit in the RECORD a table showing the numbers of minorities that got out of poverty the growth period of the 1980's.

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

(See exhibit 2.)

Mr. DOMENICI. Mr. President, for those who want to lay blame remember that the following adages are true: During recessions the poor get poorer. You have to stay out of recessions if you want America to have a population that is experiencing rising prosperity spread across more income levels of the population.

I yield the floor.

EXHIBIT 1

PERCENT CHANGE IN REAL FAMILY INCOME BY QUINTILE [1]

	1975–79	1979–83	1983–89
Percent change:			
Lowest quintile	7.0	−17.4	11.8
Second	11.2	−10.5	10.7
Middle	12.0	−5.5	11.0
Fourth	12.2	−1.9	10.6
Highest quintile	10.3	2.9	12.2

[1] Each quintile represents one-fifth of the income distribution.

EXHIBIT 2

Decline in poverty—from 1982–89

Percent change in poverty rate:	
All families	−15.7
White	−18.1
Black	−14.8
Hispanic	−14.3
Female-headed [1]	−9.5
Elderly	−20.0

[1] Persons in families with female householder, no husband present.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. 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.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

The Senate resumed consideration of the bill.

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

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

AMENDMENT NO. 888

(Purpose: To establish a program to provide Soviet graduate students with scholarships for study in the United States)

Mr. PELL. Mr. President, on behalf of Senators MITCHELL, SASSER, BOREN, BIDEN, SARBANES, and CRANSTON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. MITCHELL, for himself, Mr. SASSER, Mr. BOREN, Mr. BIDEN, Mr. SARBANES, and Mr. CRANSTON, proposes an amendment numbered 888.

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

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

The amendment is as follows:

At the appropriate place in the bill add the following new title:

SEC. . SHORT TITLE.

This Act may be cited as the "United States Law and Business Training Program for Soviet Graduate Students Act".

SEC. . STATEMENT OF PURPOSE.

The purpose of this Act is to establish a scholarship program designed to bring stu-

dents from the Soviet Union to the United States for study in the United States.

SEC. . FINDINGS AND DECLARATIONS OF POLICY.

The Congress finds and declares that—

(1) it is in the national interest for the United States Government to provide continuing financial support to individuals from the Soviet Union to study in the United States, and to gain experience and training in free market economics, Western business and legal systems, and public administration, in order to assist the process of economic and political reform in the Soviet Union, increase mutual understanding, and build lasting links between the Soviet people and the people of the United States;

(2) providing scholarships to Soviet students to study in the United States will over time effectively create strong bonds between the United States and the future leadership of the Soviet Union and its republics, while assisting the Soviet people in their political and economic reform efforts;

(3) study in United States institutions by Soviet students will enhance trade and economic relationships by providing professional and business contacts;

(4) students from the Soviet Union have in the past been unable to study in the United States for political and financial reasons;

(5) it is essential that the United States citizenry increase its knowledge and understanding of the Soviet Union, its language, cultures, and socioeconomic composition as the Soviet Union assumes a role in the world economic community; and

(6) a scholarship program for students from the Soviet Union to study in the United States would complement international efforts to assist the Soviet Union in its economic, political and social reforms.

SEC. . SCHOLARSHIP PROGRAM AUTHORITY.

(a) IN GENERAL.—The President, acting through the United States Information Agency, shall provide scholarships (including partial assistance) for study at United States institutions of higher education coupled with private and public sector internships by nationals of the Soviet Union who have completed their undergraduate education and would not otherwise have the opportunity to study in the United States due to financial limitations.

(b) FORM OF SCHOLARSHIP; FORGIVENESS OF LOAN REPAYMENT.—To encourage students to use their training in the Soviet Union, each scholarship pursuant to this section shall be in the form of a loan with all repayment to be forgiven upon the student's prompt return to the Soviet Union for a period which is at least one year longer than the period spent studying in the United States. If the student is granted asylum in the United States pursuant to section 208 of the Immigration and Nationality Act or is admitted to the United States as a refugee pursuant to section 207 of that Act, one-half of the repayment shall be forgiven.

SEC. . GUIDELINES.

The scholarship program under this Act shall be carried out in accordance with the following guidelines:

(1) Consistent with section 112(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(b)), all programs created pursuant to this Act shall be nonpolitical and balanced, and shall be administered in keeping with the highest standards of academic integrity and cost-effectiveness.

(2) The United States Information Agency shall design ways to identify promising students for study in the United States.

(3) The United States Information Agency shall develop and strictly implement specific financial need criteria. Scholarships under this Act may only be provided to students who meet the financial need criteria.

(4) The program may utilize educational institutions in the United States, if necessary, to help participants acquire necessary skills to fully participate in professional training.

(5) Each participant from the Soviet Union shall be selected on the basis of academic and leadership potential in the fields of business administration, economics, law, or public administration. Scholarship opportunities shall be limited to fields that are critical to economic and political reforms in the Soviet Union, particularly business administration, economics, law, or public administration.

(6) The program shall be flexible to include not only training and educational opportunities offered by universities in the United States, but to also support internships, education, and training in a professional setting.

(7) The program shall be flexible with respect to the number of years of education financed, but in no case shall students be brought to the United States for less than one year.

(8) Further allowance shall be made in the scholarship for the purchase of books and related educational material relevant to the program of study.

(9) Further allowance shall be made to provide opportunities for professional, academic, and cultural enrichment for scholarship recipients.

(10) The program shall, to the maximum extent practicable, offer equal opportunities for both male and female students to study in the United States.

(11) The program shall, to the maximum extent practicable, offer equal opportunities for students from each of the Soviet republics.

(12) The United States Information Agency shall recommend to each student who receives a scholarship under this Act that the student include in their course of study programs which emphasize the ideas, principles, and documents upon which the United States was founded.

SEC. . FUNDING OF SCHOLARSHIPS FOR FISCAL YEAR 1992 AND FISCAL YEAR 1993.

There are authorized to be appropriated to the United States Information Agency $10,000,000 for fiscal year 1992, and $10,000,000 for fiscal year 1993, to be used to carry out this Act.

SEC. . COMPLIANCE WITH CONGRESSIONAL BUDGET ACT.

Any authority provided by this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriation Acts.

Mr. PELL. Mr. President, this is an amendment creating a new exchange program at the graduate level for the Soviet Union. Scholarships may be provided to the Soviet Union in the field of business administration, economic law, and public administration to study in the United States for 1 year. The funding level will be $10 million.

My understanding is that this has been cleared by the leadership on both sides of the aisle.

Mr. HELMS. Mr. President, I have one specific objection to the amendment by Senator PELL on behalf of Senator MITCHELL and others.

On page 6, beginning at line 16, and specifically at line 18, it states, "There are authorized to be appropriated to United States Information Agency $17,500,000 for fiscal year 1992, and $35 million for fiscal year 1993, to be used to carry out" the purposes of the Mitchell amendment.

Unless this matter is heard by the committee, or unless I could be assured that the Appropriations Committee is to examine it carefully, I question the expenditure of this money for this purpose at this time when obviously we are in a state of economic crisis.

So I am going to be asked to be recorded in the negative pending consideration by the Appropriations Committee. If the Appropriations Committee approves it, fine.

Mr. PELL. If the Senator would yield for a moment.

Mr. HELMS. Yes.

Mr. PELL. My understanding is in the amendment as it is now it has been reduced to $10 million not $17.5 million. So I think that point has been taken care of.

Mr. HELMS. Well, I still have the same question because there has been no hearing on this. And while around this place $10 million is just a pittance, it is not a pittance in those areas of North Carolina and others that are feeling extreme hardship.

But I will respectfully vote "no" and ask to be recorded in the negative on this. But I do not want to hold up the amendment.

Mr. PELL. I thank my colleague very much, indeed.

Mr. President, I ask that the amendment be agreed to.

Mr. DOMENICI. Mr. President, I happened to be here on the floor of the Senate when the majority leader introduced this proposal on June 27. As I said to him and Chairman SASSER at that time, the overall concept of bringing a limited number of students from the Soviet Republics to the United States to concentrate of law and business is an excellent idea. In 2 or 3 years these men and women will have the opportunity to help their people consolidate the economic and political reforms now under way in the Soviet Republics.

As I told the majority leader privately last week, a number of other Senators attempted to respond to the same challenge in an amendment to S. 1435, the foreign aid authorization. That proposal was designed for the shorter term. Like the Mitchell scholarships, it would plug gaps in our ability to provide technical and business assistance to the Soviet peoples.

This Senator and 13 others, on a bipartisan basis, put in language that would authorize the President to set up American centers in Russia, the Ukraine, Armenia, and such others among the Republics that request and are willing to help support an American center in their midst.

These American centers would not necessarily be staffed by American

Government officials, but they would be under the authority of Directors and a qualified Executive Board appointed by the President, if he chooses to use this authority.

As I envision the American centers, they would constitute an American presence in major cities outside of Moscow for those who seek American help, and for those thousands of Americans who have demonstrated their willingness to assist the Soviet peoples in their difficult transition toward a functioning market economy. The American centers would assist and advise, without in any way restricting anyone who wants to help.

I ask unanimous consent to insert at this point in the RECORD the text of amendment 836, as passed by the Senate on July 25.

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

On page 139, between lines 18 and 19 insert the following:

"Subchapter D—The American Centers Act"

An Act to establish American Centers to act as a catalyst for encouraging free market economies and democratic values in the Soviet Union and its sovereign Republics

SEC. 637. SHORT TITLE.

This subchapter may be cited as the "American Centers Act".

SEC. 638. AMERICAN CENTERS TO SUPPORT PEACEFUL TRANSITIONS LEADING TO FREE MARKET ECONOMIES AND DEMOCRATIC VALUES IN RUSSIA, THE UKRAINE, BYELORUSSIA, GEORGIA, ARMENIA, AND OTHER SOVEREIGN SOVIET REPUBLICS.

In order to demonstrate an American commitment to support the peoples of Russia, the Ukraine, Byelorussia, Georgia, Armenia, and other Soviet Sovereign Republics, the President should establish American Centers to promote commercial, professional, civic, and other partnerships between the people of the United States and the people of Soviet republics upon request for the purposes of:

(1) establishing a liaison to facilitate exchanges between the peoples of the Soviet republics and American business entities, state and local governments, and professional and civic institutions in the United States;

(2) providing a repository for commercial, legal, and technical (including environmental and export control) information;

(3) identifying existing or potential counterpart businesses or organizations that may require specific technical coordination or assistance; and

(4) helping to establish the legal and regulatory framework and infrastructure that is a critical prerequisite to the establishment of a market oriented economy and deomocratic institutions;

(5) such other objectives that the Center Directors and Coordinator may identify and have been approved by the Executive Board.

SEC. 639. EXECUTIVE BOARD AND DIRECTORS OF CENTERS.

(a) THE EXECUTIVE BOARD.—The President is authorized to appoint an Executive Board of no more than ten United States citizens to advise the President and to provide policy and technical direction to the American Centers. The Board Members should be chosen from individuals who have demonstrated leadership in professional, civic, and business organizations that engage in relevant international activities, in particular in the Soviet Union.

(b) DIRECTORS OF THE AMERICAN CENTERS.—Upon the appointment of an Executive Board as provided in Subsection (a) the President may designate, from a list of candidates submitted by the Executive Board upon his request, Directors of one or more American Centers to carry out the purposes of the Act. The Executive Board shall work as expeditiously as possible to respond to requests to establish additional American Centers in major cities of the Republics.

(c) Policy Coordination of American Centers. The President is encouraged to designate an American Centers coordinator to oversee, subject to the policy direction of the Secretary of State, activities conducted by the United States Government in connection with the American Centers. The coordinator, the Administrator of the Agency for International Development, and the Director of the United States Information Agency shall be ex officio members of the Executive Board.

(d) The Executive Board shall consult with and provide periodic reports to the President, the Secretary of State, and the appropriate committees of Congress.

(e) Nothing in this section shall be construed—

(i) to make the Executive Board or any American Center an agency or establishment of the United States Government, or

(ii) to make any member of the Executive Board or director of an American Center officers of employees of the United States Government,

for the purpose of title 5, United States Code or any law administered by the Office of Personnel Management. In addition, the provisions of the Federal Advisory Committee Act shall not apply to the Executive Board or any American Center.

SEC. 640. FUNDING FOR AMERICAN CENTERS AND FOR TECHNICAL SUPPORT FOR DEMOCRATIC GOVERNMENTS, PRIVATE INSTITUTIONS, AND PROFESSIONAL ORGANIZATIONS IN THE SOVIET REPUBLICS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available for assistance under Chapter 4 of Part II of the Foreign Assistance Act, not more than $15,000,000 for fiscal year 1992, and not more than $25,000,000 during any subsequent fiscal year shall be available for assistance in accordance with the Act.

(b) TYPES OF ASSISTANCE AUTHORIZED.—Funds made available pursuant to this Act shall be used to establish and maintain the American Centers and to provide technical and related support assistance to any eligible recipients.

(c) WAIVER OF RESTRICTIONS ON ASSISTANCE RECIPIENTS.—Assistance may be provided pursuant to this Act, notwithstanding any other provision of law that would otherwise apply to such assistance.

(d) ELIGIBLE RECIPIENTS IN THE SOVIET UNION.—As used in this Act, the term, "eligible recipient in the Soviet Union" means—

(1) the government of any republic, and any local government, within the Union of Soviet Socialist Republics (or any successor state) that was elected through open, free, and fair elections, and

(2) any nongovernmental organization in the Soviet Union that promotes democratic reforms, market oriented reforms, the rule of law (including the legal infrastructure prerequisite to the foregoing) or any other objectives of this Act.

(3) any government agencies in the Soviet Union that promote democratic reforms, market-oriented reforms, or the rule of law (except that no more than fifteen percentum of amount authorized in subsection (a) may be used for this category).

(e) RESTRICTIONS.—No cash grants may be made under this Act to any governmental agency or organization in the Soviet Union. Payments for rent or lease of office facilities for an American Center are to be made, to the extent practicable, from local currency (rubles) provided for that purpose by the host government.

(f) Except to the extent inconsistent with this Act, technical assistance under this Act shall be considered to be assistance under Part I of the Foreign Assistance Act for the purposes of making available the administrative authorities of that Act.

(g) The Centers are authorized to accept private contributions from United States citizens and organizations to be used pursuant to the provisions of this Act.

Mr. DOMENICI. The Mitchell-Sasser scholarship proposal and the American Centers proposals complement each other. Neither one would provide cash assistance to the Soviet Government. Both of them would help the new Republican governments, as well as individuals and businesses to catch up after 70 years of communism.

As I understand the proposal, the Mitchell scholarships will bring several hundred young professionals from Russia and, to the maximum extent practicable, each of the other Republics, to the United States for at least 1 year. The program would include both academic and professional training, and could include internships with American companies. It is not a traditional academic exchange program, which are provided for elsewhere.

This is a good approach to the medium-term challenges facing the Soviets. If the USIA implements it in an imaginative manner, these young Soviets will return home in 1993 or 1994 with a working knowledge of how our democracy and our economy actually works. For all of these reasons, I would ask to be added as a cosponsor to the Mitchell amendment.

Mr. SASSER. Mr. President, I am pleased to be a principal cosponsor to this amendment establishing the United States Law and Business Training Program for Soviet Graduate Students Act. This legislation will establish a scholarship program to bring students from the Soviet Union to the United States to study law and business administration.

With this measure, for the first time a substantial number of young Soviets will be able to come to the United States to enter educational programs. And they will come to the United States to study business administration, economics, law, and public administration. These are the fields which will contribute the most to promoting economic and political reforms in the Soviet Union.

And what could be more useful at this moment of history? The Soviet Union faces a time of fundamental

change. The old guard of communism is being replaced by free-market forces and democratic ideas.

But, these changes will take time. And no matter what our desires are for speeding these changes along—the fact is that it will be the next generation of Soviet citizens which will see these changes through and indeed, reap the rewards of this effort.

To make this happen, we must help plant the seeds of change. And what better way than through education?

One way to do this is to allow young Soviet citizens to come to the United States to learn how our system works. To see democracy in action; to study law and business; to make the most valuable kinds of connections—those between our two peoples.

And what better way to plant the seeds of change than to give Soviet graduate students the ability to come to the United States and get hands-on experience in the business world and to take that knowledge back to the Soviet Union.

This program will do just that. It will combine formal education at universities in the United States with real world experience provided through internships and training in professional settings.

Furthermore, it will ensure that these students will return to the Soviet Union to speed economic and political reform, by making each scholarship in the form of a loan with repayment only to be forgiven after the student returns to the Soviet Union.

And it will be fair, providing equal opportunities for students from each of the Soviet republics and making financial need a criteria for receiving a scholarship. It will not be a giveaway program for those who can afford other alternatives.

This is a well-crafted piece of legislation. I commend Senator MITCHELL for his leadership on this matter and I thank his staff for their efforts in crafting this amendment.

I look forward to this program being fully funded in the Commerce, State, Justice appropriations bill and proving its worth in promoting economic and political reform in the Soviet Union.

SOVIET LAW AND BUSINESS SCHOLARSHIPS

Mr. MITCHELL. Mr. President, I am pleased that the committee today is accepting this amendment authorizing $10 million to begin a modest but extremely valuable Soviet scholarship program.

The United States Law and Business Training Program for Soviet Graduate Students is an innovative approach toward helping the Soviet people help themselves.

The amendment establishes a program through which promising Soviet graduate students would come to the United States to study and work in their fields of law, business, public administration, and business administration.

Expertise in these fields is sorely needed if the Soviet Union is to make a successful transition toward a free market and a democracy.

At the moment, there are American scholarship programs to help Soviet undergraduates in a wide variety of disciplines. The United States sponsors numerous short-term technical programs that provide limited exposure or training for Soviets in particular fields.

But there is no American effort to provide in a thorough and comprehensive program both the conceptual underpinnings and practical experience in the fields so crucial to reform in the Soviet Union.

This program provides a concrete mechanism for providing to Soviet citizens a real understanding of the political and economic system that we enjoy in the United States. By providing a rising class of young professionals with this practical knowledge, we help them make a difference in the process of reform on the ground in the Soviet Union.

This is clearly an investment of enormous potential.

It is one we should be making now.

I am delighted that the committee's action will enable USIA to get this important program underway in the coming fiscal year.

The PRESIDING OFFICER. Is there further debate on the amendment offered by the Senator from Rhode Island on behalf of Senator MITCHELL and others?

If not, the question is on agreeing to the amendment.

The amendment (No. 888) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. 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. METZENBAUM. Mr. President, I ask unanimous consent that the Senate go into morning business for a period not to exceed 10 minutes.

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

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. I thank the Chair.

(The remarks of Mr. METZENBAUM pertaining to the introduction of S. 1577 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, is there some time remaining?

The PRESIDING OFFICER. There is approximately 5 minutes remaining in the period for morning business.

TRIBUTE TO JO OBERSTAR

Mr. DURENBERGER. Mr. President, I rise today to remember a great and a courageous woman who fell victim to breast cancer yesterday. Jo Oberstar was the wife of U.S. Representative JIM OBERSTAR. Together they represented Minnesota's Eighth Congressional District for many years, and before his election they represented the district because Jim was employed by his predecessor in the Congress, John Blatnik.

Jo Oberstar was my friend, and I grieve for her family and for all of their friends. Jo Oberstar will be missed greatly.

Another friend of ours, Veda Ponikvar, a long-time editor of the newspaper in JIM OBERSTAR's hometown of Chisholm, MN, called Jo one of the finest Irish ladies she had ever known. If you know the iron range of Minnesota you will know there are not a lot of Irish up there. Most of the people come from Eastern Europe. So the special ones really stand out.

Jo Oberstar, as Veda watched her over the years, was compassionate, had a real understanding of human needs. And Veda said that Jo's love for children and family were exemplified in the way that she supported Jim in his service in the Congress, and the special way which she raised four children: Ted, Noelle, Annie, and Monica.

Veda always remembered that Jo gave of herself a thousandfold, that everybody loved her. And, like many of us, there was something almost ethereal about Jo Oberstar. She looked like a fragile angel, but she could move mountains. She had a sense of humor. She had an ability to deal with, cope with unpleasant things in a way that somehow always turned them around.

Jo was born in Rochester, NY. She received a bachelor's degree from Trinity College right here in Washington, DC, and then she went to Yale for a master's degree. From there she went to teach, she went to counsel, she went to raise children and found a lot of time for many other activities. She was a director of the Isaac Walton League, wrote its first national citizen action guide on water pollution control long before anybody ever thought that water pollution was a national problem. She was a board member of the National Rehabilitation Center here in Washington and a board member of Peace Links.

I spent a lot of time with Jo in her capacity in the Canadian Center for

Legislative Change. She took it upon herself, part because of where she was born, part because of where she married, and part because she just loved to do it, to bring Canadian legislators, parliamentarians, the Americans closer together. I must say in my time here in the U.S. Senate, no one has brought the people, or the political representatives of these two countries more closely together in a more intimate way, in a more realistic way, then Jo Oberstar.

I have said before that breast cancer is a thief and a destroyer. The disease has touched nearly every family in America. It has touched mine. Now it has touched the Oberstar's, and I am truly sorry. Jo was diagnosed with breast cancer 8 years ago and a lot of the things that I have said about her today she had done in that 8-year period, because there were times of remission and, as we all know, there were times of sickness. Those close to Jo always saw hope and strength. And when you talk about fighting the good fight, she did it.

So I stand today to say goodbye to Jo Oberstar, and to call, again, on all Americans to help us find a cure for breast cancer, and to do it now.

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

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

EXTENSION OF UNEMPLOYMENT BENEFITS

Mr. MACK. Mr. President, I rise to make some comments with respect to an issue we are going to be dealing with, if not later today, then certainly before the end of this week. The issue is the extension of unemployment benefits.

I read, over the weekend, an editorial that was in the New York Times, which referred to a couple of alternatives that have been proposed.

The Senate is going to look at a proposal to extend unemployment compensation benefits for a period, under certain circumstances, of up to an additional 20 weeks. We are not going to be addressing the question about how we pay for it because the proposal relies upon the President to declare a Budget Act emergency and, therefore, under the budget rules a revenue offset will not be required.

In the House of Representatives Congressman DONNELLY and Congressman DAN ROSTENKOWSKI have also proposed extending benefits but have said if an emergency is not declared that the way it shoud be paid for is by raising taxes on employers.

The plan proposed in the Senate is again that kind of liberal thought that just says, "Go ahead and extend the benefits; do not worry about how you are going to pay for it." The other thought, projected by Members of the House Democratic leadership, basically says, "Let us pay for the unemployment benefit extension placing a higher tax on employers."

I suggest just the opposite of what is intended will occur. I assume that everyone who has proposed extending those benefits is doing it with the purpose of trying to provide assistance to those who are unemployed. The reality is if you increase the taxes on people who provide jobs, you are, in fact going to find out that there are going to be less jobs as a result of it.

Employers will naturally try to find ways to continue the profitability of their business, and they will end by laying people off. So instead of solving the problem, we are going to make the problem worse. I would propose as an alternative that we ought to take into consideration that instead of placing a tax on employment, we ought to reduce the capital gains tax rate. The data clearly shows that if you lower the capital gains tax rate, you actually increase jobs in the Nation.

The debate ought to focus over the next few days about the extension of unemployment benefits. But it ought to be done on the basis of what we can do to create jobs. What can we do to give people hope for the future? Instead of just talking about extending the benefit, let us try to find a way to make America more productve again; let us try to find out how to create jobs again.

I close my comments by saying I think one of the messages of the 1980's is that if you lower tax rates, you increase employment and you have a much lower need for unemployment compensation benefits.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

The Senate continued with the consideration of the bill.

AMENDMENT NO. 889

(Purpose: To eliminate conflicts of interest on the Board of the National Endowment for Democracy)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 889.

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

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

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . CONFLICTS OF INTEREST.

"No future sitting member of the Board of the National Endowment for Democracy can serve simultaneously on the Board of Directors or be an active member of the leadership or any grantee receiving more than 5 percent of National Endowment for Democracy funds.".

Mr. BROWN. Mr. President, both the House bill and the Senate bill have attempted to address some of the concerns raised regarding the National Endowment for Democracy. Included in those concerns is one that relates to potential conflicts of interest.

In the past, members of the Board of Directors have also held active positions in the NED grantee organizations. It raises an obvious conflict of interest as board members are required to pass judgment on the wisdom of granting appropriations or funding to the organizations that they are active members of.

This amendment is an attempt to deal with that. It addresses the problem directly. The current problem really revolves around four core groups: The National Republican Institute; the National Democratic Institute; the Free Trade Union Institute; and the Center for International Private Enterprise, associated with the Chamber of Commerce. Representatives of these groups or other selective groups do receive more than 5 percent of the endowment of the grants.

What we are suggesting is we not have new members on the board that are part of these core grantee groups. It does not mean that these core grantee groups will not continue to play a lead role and very active role in promoting democracy around the world. They will and should. They have long been active in this effort, and they have long carried on significant and important efforts in their own behalf, as well as through the use of NED funds.

What it does suggest is in the process of allocating NED funds, the people receiving the money will not be the ones making the decision on that allocation. It is a straightforward amendment. It involves a simple concept of concern for conflict of interests that I think is shared by both parties in this Chamber. I recommend its adoption to all Members.

Mr. President, I yield at this point, and retain the remainder of my time.

Mr. PELL. Mr. President, I support the point my colleague is trying to make by offering this amendment, and I agree with him that there could be an appearance of a conflict of interest if all four NED grantees sat on the NED Board of Directors.

However, I would like to point out the four core grantees—NRI, NDI, the Free Trade Union Institute, and the Center for International Private Enterprise—get their budget from NED at the start of each year.

I also note that from the very beginning when NED was founded, the four core grantees have had and are expected to have a special relationship with NED. Only one core has a representative currently on the board and that individual chairmanship expires at the end of January 1993.

I ask of the Senator from Colorado what other groups that receive grants are on the NED Board?

Mr. BROWN. Mr. President, there are the four groups basically that the Senator is aware of: The Republican Institute received 10.7 percent of the funds over the years; the National Democratic Institute, which has received 9.8 percent. I am not sure why they should receive less than the Republicans; the Free Trade Union Institute, which has received 40 percent; and the Center for National Enterprise, which is at 10.6 percent.

Mr. PELL. I thank the Senator very much. I think this is a good amendment and I will support it.

Mr. BROWN. I thank the chairman. I urge adoption of the amendment.

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

The amendment (No. 889) was agreed to.

Mr. PELL. I move to reconsider the vote.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 890

(Purpose: To delete U.S. funding for the International Coffee Organization)

Mr. BROWN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 890.

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

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

The amendment is as follows:

On page 57, after line 21, add the following new section:

SEC. 170A. PROHIBITION ON FUNDING.

(a) FINDINGS.—

The Congress finds that—

(1) the State Department has requested $899,000 for fiscal year 1992 to fund the International Coffee Organization;

(2) the International Coffee Agreement (ICA) and its administrative arm, the International Coffee Organization (ICO), were born in 1983 to stabilize global coffee trade, by establishing an export quota system;

(3) an export quota system for coffee acts directly against the interests of American consumers by keeping prices at artificially high levels;

(4) this fact has been demonstrated since the ICA was suspended in July 1989 and prices fell from $3.17 per pound in June 1989 to $2.87 per pound in June 1991; and

(5) although the agreement lapsed in 1989, United States imports of coffee increased by 26 percent in 1990 over 1988 levels, at a total cost reduction of $548 million due to lower prices.

(B) PROHIBITION.—No funds appropriated under any provision of law shall be available for making further payments to the International Coffee Organization, or ICO.

Mr. BROWN. Mr. President, the amendment before the body deals with the International Coffee Organization. I am concerned about the potential of the United States participating in a cartel much to the disadvantage of the consumers of this Nation. The facts are these. The International Coffee Organization is an association that the United States has belonged to involving significant funding. The request is for almost $900,000 in 1992. The organization is actively engaged in the process of trying to organize a cartel for limitation on production designed specifically to increase the price of coffee to consuming nations.

The facts are very clear. The United States is a consuming country, not a producing country. When we have had an active cartel that has controlled production and allocations of produce, the prices for coffee have been significantly higher for Americans. It is certainly understandable that producing countries would be interested in higher prices for coffee. But what is not understandable is that the United States would participate in or even encourage a cartel activity which would penalize the consumers of America. There is no suggestion that this kind of cartel activity is helpful to Americans in any way. We are the ones, along with the rest of the consuming world, who pay the price.

What we suggest is simply a prohibition on funding for this organization. It saves the taxpayers $889,000, but more than that, I think it will save the consumers of this country a significant amount of money, into the millions and tens of millions a year in the coming decade.

I urge adoption of the amendment.

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

Mr. PELL. Mr. President, I would like to ask the Senator from Colorado what benefits producing countries get from the International Coffee Organization now that the export quota system has broken down?

Mr. BROWN. The distinguished Senator is correct, the export quota system has broken down although the organization is in the process of trying to reestablish some sort of quota system. The organization does have a benefit for its members in that it attempts to maintain figures on production and consumption and publish them internationally, so in terms of an information agency, it still plays a purpose. The concern I guess this Senator has is over the anticompetitive and anticonsumer potential with this organization attempting to reestablish the quota system.

Mr. PELL. Does the United States get any benefit from this approach?

Mr. BROWN. At this point the only United States benefit is one of receiving the information published by the organization itself.

Mr. PELL. I thank the Senator very much. This amendment is acceptable from this side.

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

The amendment (No. 890) was agreed to.

Mr. PELL. I move to reconsider the vote.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 891

(Purpose: To strike provisions relating to special agents and insert modification to existing text)

Mr. BROWN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], for Mr. HATCH, proposes an amendment numbered 891.

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

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

The amendment is as follows:

On page 39, beginning with line 2, strike all through line 12 on page 39, and insert the following in lieu thereof:

"(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Attorney General and the Secretary of State shall jointly submit to the Committees on Judici-

ary and Foreign Relations of the Senate and the Committees on Judiciary and Foreign Affairs of the House of Representatives a report and recommendations regarding whether Special Agents of the Diplomatic Security Service should be authorized to make arrests without warrants for offenses against the United States committed in their presence or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony.

(B) TERMS OF REFERENCE.—The report required by subsection (a) shall address at least the following topics:

(1) Whether similar arrest authority granted other federal law enforcement agencies such as the Drug Enforcement Agency, the United States Customs Service, United States Marshalls, the Secret Service, and the Federal Bureau of Investigation has on balance served the public interest;

(2) Whether execution of the existing statutory responsibilities of the Diplomatic Security Service would be furthered by granting of such authority;

(3) Disadvantages which would be likely to result from granting of such authority;

(4) Proposed statutory language which would if enacted provided any such authority recommended, and

(5) Proposed regulations to implement any such enacted authority."

Mr. BROWN. Mr. President, this particular amendment has been proposed by Senator HATCH. It involves the arresting authority for special agents. This will replace section 144, which grants the Diplomatic Security Service security arrest authority with the requirement that the Secretary of State and the Attorney General jointly submit a report to Congress with recommendations concerning whether special agents of the DSS should have such authority. The report is due no later than 180 days after enactment of this act. The report may include proposed statutory language and implementing regulations.

I am advised that this amendment is acceptable to both sides along with the Department of State and Department of Justice. I therefore urge its adoption.

Mr. PELL. The Senator is correct, Mr. President. This amendment has been approved on both sides of the aisle. I recommend its enactment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Colorado.

The amendment (No. 891) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 892

(Purpose: To Encourage Employment of U.S. Citizens by Certain International Organizations)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 892.

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

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

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. . ENCOURAGING EMPLOYMENT OF UNITED STATES CITIZENS BY CERTAIN INTERNATIONAL ORGANIZATIONS.

(a) FINDINGS.—The Congress finds that—

(1) The United States is assessed 25 percent of the budget of the United Nations and many other specialized agencies;

(2) A number of international organizations have developed geographic distribution formulas as a guide to hiring personnel from specific countries;

(3) As the largest contributor to most United Nations system organizations, the United States should be assigned a high percentage of jobs in those organizations;

(4) At present, the employment of American professional staff members meets the geographic distribution formula in only two international organizations—the United Nations and the World Health Organization;

(5) Increased employment of American professional staff members by international organizations in which the United States is currently underrepresented enhances the effectiveness of those organizations;

(6) Increased employment of American professional staff members also represents tangible evidence that the United States is participating substantively in international organizations;

(7) Such increased employment further encourages confidence that United States assessments are a wise use of taxpayer funds.

(8) The following international organizations had in effect a geographic distribution formula on January 1, 1991: the United Nations; the Food and Agriculture Organization (FAO); the International Civil Aviation Organization (ICAO); the United Nations Industrial Development Organization (UNIDO); the World Health Organization (WHO); the World Intellectual Property Organization (WIPO); and the International Atomic Energy Agency (IAEA).

(b) CERTIFICATION.—Not less than 180 days after enactment of this Act, and each year thereafter, the Secretary of State shall certify to the Congress that an organization which had a geographic distribution formula in effect on January 1, 1991, is making progress in increasing American staffing, or that it has met its geographic distribution formula.

(c) AVAILABILITY OF FUNDS.—Funds authorized to be appropriated in section 102(a)(2) of this Act to pay arrearages for assessed contributions for prior years shall not be available unless the Secretary certifies that the conditions in paragraph (b) have been met.

Mr. PRESSLER. Mr. President, the purpose of this amendment is to provide more value for American assessed contributions to a number of U.N. system agencies. At the present time, a number of U.N. agencies use geographic formulas to guide hiring practices. My amendment encourages the State Department to aggressively motivate the agencies to increase the number of U.S. citizens working in them.

This kind of approach makes a lot of sense. After all, the United States is assessed 25 percent of the total budget of most international organizations. In the bill before us, S. 1433, more than $1.3 billion is authorized for U.N. system agencies.

As the cost of the U.N. programs increases to the American taxpayer, it is only fair for them to ask what we are getting for the money. As Americans ask about the United Nations, Mr. President, I believe that Congress and the administration ought to be able to assure taxpayers that, at least in those agencies with geographic hiring formulas, there is real progress for hiring U.S. citizens. However, according to my information, U.S. citizens are well represented in just two international organizations that have geographic distribution formulas.

Currently the United Nations and seven other U.N. agencies have policy guidance to hire employees based on geographical distribution. Yet, according to a report that accompanies the bill, Senate Report 102–106, only two of those eight organizations, the World Health Organization and the United Nations itself, are making progress in increasing the number of Americans on the staff. That means, Mr. President, that the Food and Agricultural Organization, FAO, the International Civil Aviation Organization, the International Labor Organization, the United Nations Industrial Development Organization, the World Intellectual Property Organization, and the International Atomic Energy Agency are lagging behind in hiring U.S. citizens.

A chart giving the status of these six organizations can be found on page 110 of the Senate Appropriations Committee report.

Mr. President, although the Foreign Relations Committee did not consider the issue during the subcommittee or full committee markup, the Commerce-Justice-State Committee of the Appropriatons Committee raised this important issue. On pages 80 and 81 of H.R. 2608, as reported from the subcommittee, there is legislative language to accomplish the same ends as my amendment.

I am offering this amendment because it is good policy for the United Nations to hire more Amercan citizens and to reinforce actions proposed by the Appropriations Committee. My amendment calls on the Secretary of State to champion those U.N. system organizations which had geographic hiring plans in effect on January 1,

1991. The Secretary must then certify to Congress that the organization has met its target goal or is making progress in increasing American staffing. If the Secretary of State cannot make a certification, Mr. President, funds authorized to pay arrearages to the U.N. organizations in the U.N. system cannot be make available.

Mr. President, my amendment is in no sense anti-United Nations. Instead, I believe its enactment will provide an important additional reason for the United States to support U.N. programs generously. In addition, increased employment of American professionals in the U.N. systems could add diversity and expertise that can benefit international organizations.

So, Mr. President, to summarize my amendment and to summarize what I am trying to accomplish: The United States is a member of the United Nations. I have been a supporter of the United Nations, and in fact, I have been a member of the Minnehaha County U.N. organization in my home county in South Dakota. But the United Nations is not always popular with our citizens because of a number of things that it carries out.

A few years ago, the United States withdrew from one U.N. organization because it had become so anti-American in its statements and in some of its practices. What happens in the U.N. organizations is that there are a lot of Third World countries working together with previously the Soviet bloc that would get a lot of their people in the senior bureaucratic positions in the United Nations. They would take the United Nations in a direction which was contrary to the West, contrary to the United States' interests, and contrary to our way of thinking.

While this was going on, the United States would be paying 25 percent of the cost of the United Nations and its various agencies.

I believe that the United Nations can do a lot of good. The United Nations is coming back into its own. We have seen it functioning in the Middle East. We have seen it functioning in problems surrounding Iraq. Indeed, in this body, the Senate depended on the U.N. resolution when we voted here last January on authorizing the President to have the authority to use force in Iraq, a historic vote in this Chamber I might add, which passed very narrowly by three or four votes.

So this is a very important role for the United Nations to play, but it is very important that the United States have a fair number of employees, be they top officials, top career people in the U.N. bureaucracy, or be they secretaries or whatever. Sometimes we have not been forceful enough in asserting that.

So what the Congress is saying, and has been saying, and what my amendment says, is that we want fair treatment in the United Nations for our people. And we want our people in key positions, we want our people doing jobs in the United Nations—not that they would be doing them simply for the United States, but that they be doing them for the United Nations. At least they would like to have sort of the hometown perspective.

So, Mr. President, I ask for the immediate consideration of this amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. BROWN. Mr. President, I rise in support of the amendment before the body. It seems to me the Senator has developed an ingenious method here of encouraging fair hiring policies within the United Nations. Honestly, frankly, I think the implementation of this policy will help develop and expand support for the United Nations in its important role within the United States—not harm it. I am happy to join in supporting this amendment.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I agree with the premise of this amendment; that we should hire more American citizens. However, I do not believe that the payment of arrearages should be made conditional on improvement in this area.

Our contributions to the United Nations and other international organizations were withheld in order to force improvement in the budget process by those organizations. Now that the improvements have been made, the President has decided to repay all U.S. arrearages. To now condition that repayment on improved hiring practices vis-a-vis U.S. citizens could undermine that commitment.

The administration agrees that Americans are underrepresented in these organizations, but the organizations should be held accountable for balancing their staff geographically. However, as the Senator knows, the administration opposes this way of doing it and, therefore, opposes this amendment.

Factually, I believe that this amendment is absolutely contrary to the policy of President Bush, who wants to repay our arrearages without any strings attached. It is also a slap at the United Nations and other U.N. partners, whose cooperation was and is critical to our effort against Iraq.

For these reasons, I am compelled to oppose the amendment.

Mr. PRESSLER. Mr. President, I very much respect the Senator's concern, and perhaps we can work out a colloquy.

Let me make the point that the Appropriations Committee has already adopted this language, and I believe in the authorizing function to work.

As a member of the Foreign Relations Committee, I am very eager to see our committee be the initiator of the authorizing committee and having the authorization bill succeed and become law. I believe that this language is identical to the Appropriations Committee language.

So I point that out. I thank my friend, I thank my friend from Colorado very, very much and I thank my friend from Rhode Island very much. I hope we can work this amendment through.

Mr. PELL. I thank the Senator very much indeed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRESSLER. 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. PRESSLER. Mr. President, I urge adoption of the amendment and ask for the yeas and nays. I would be happy to delay the yeas and nays, until the leadership on the floor wishes to do so.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. PELL. Mr. President, I suggest that the vote take place at 5 o'clock, or when the majority leader so determines.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. PELL. Mr. President, I ask unanimous consent that the pending Pressler amendment be laid aside and the rollcall vote occur at a time to be determined by the majority leader after consultation with the Republican leader but not earlier than 5. And I further ask unanimous consent that no amendments to the amendment nor any further debate be in order.

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

Mr. PELL. Mr. President, I ask unanimous consent that an amendment of the Senator from Ohio [Mr. GLENN] be considered at this point.

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

AMENDMENT NO. 893

(Purpose: To express the sense of the Congress that the awarding of contracts for the rebuilding of Kuwait should reflect the extent of military and economic support offered by the United States in the liberation of Kuwait)

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

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. GLENN, for himself, Mr. AKAKA, and Mr. HELMS, proposes an amendment numbered 893.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . AWARDING OF CONTRACTS FOR THE REBUILDING OF KUWAIT.

(a) FINDINGS.—The Congress finds that—

(1) the men and women of the Armed Forces of the United States, together with allied forces, have successfully liberated Kuwait, and the independence and sovereignty of Kuwait have been restored;

(2) considerable damage has been done to the infrastructure, environment, and industrial capacity of Kuwait, and reconstruction of Kuwait's economy is currently underway;

(3) the Government of Kuwait, Kuwaiti firms, and the United States Army Corps of Engineers are currently awarding contracts for supplies and goods and for engineering, consulting, and construction services for the rebuilding of Kuwait; and

(4) the Government of Kuwait, Kuwaiti firms, and the United States Army Corps of Engineers have awarded and may award contracts for the rebuilding of Kuwait which provide the opportunity for substantial participation by United States small and disadvantaged businesses.

(b) POLICY.—It is the sense of Congress that—

(1) the Government of Kuwait, Kuwaiti firms, the United States Army Corps of Engineers, and any other agency or entity of the United States Government should award contracts for the rebuilding of Kuwait with a preference given to any supplies or goods mined, produced, or manufactured in the United States and with a preference given to engineering, consulting, and construction services of firms established and doing business in the United States; and

(2) The Government of Kuwait, Kuwaiti firms, the United States Army Corps of Engineers, and any other agency or entity of the United States Government should encourage, to the maximum extent practicable, the participation of United States small businesses and disadvantaged businesses, including minority-owned businesses and women-owned businesses, in contracts for the rebuilding of Kuwait.

Mr. GLENN. Mr. President, I rise to propose an amendment which I have every hope and expectation will be accepted by the managers. The amendment is based upon a concurrent resolution I introduced May 9 and which is currently cosponsored by 25 of my colleagues. Very briefly, the amendment expresses the sense of the Congress that Kuwait should be encouraged to award its reconstruction contracts to American businesses. The Kuwaitis have stated that they would like to direct a substantial portion of reconstruction contracts to United States firms. Nothing could be more appropriate given the lead role of the United States in the liberation of that country.

I am not saying that the Kuwaitis should do business solely with the United States. What I am saying is that the awarding of contracts should reflect the magnitude of American support extended during the gulf conflict. An equally important part of my resolution encourages the participation of American small business, as well as minority- and women-owned businesses, in the Kuwait reconstruction effort. There is much work to be done and we know that these businesses can contribute.

Mr. President, my amendment makes it clear that no matter how the future contracting is conducted—be it through the Army Corps of Engineers, the Kuwaiti Government, or Kuwaiti businesses—Congress wants American firms, large and small, to play as large a role as possible.

What we are talking about here is partnership. In the gulf conflict, the United States was a leading partner with Kuwait in the liberation of their country. Now, with the fighting behind us, that same spirit of partnership needs to be maintained as the campaign to rebuild the nation of Kuwait proceeds.

Mr. AKAKA. Mr. President, I am pleased to join with my colleague from Ohio, Senator GLENN, in offering this amendment which would express the support of Congress that the awarding of contracts for the rebuilding of Kuwait should reflect the extent of military and economic support offered by the United States in the liberation of Kuwait.

Our amendment would also encourage the participation by American small and disadvantaged businesses, including minority- and women-owned businesses.

Mr. President, on March 25, 1991, the Government of Kuwait pledged its support for the participation of American small firms, including disadvantaged and minority businesses, in the rebuilding of the country. However, many small United States businesses are at a disadvantage in competing for contracts to reconstruct Kuwait because they are unable to compete effectively for contracts against larger and better capitalized firms with established experience in foreign markets.

During a conference in May, sponsored by the distinguished minority leader, Senator DOLE, and the Small Business Administration, it was estimated that a small firm would need about $240,000 to maintain a representative in Kuwait. This figure did not include the additional costs associated with sending company officers to Kuwait for site visits.

To address the difficulties faced by small American firms in obtaining contracts for the rebuilding of Kuwait, I introduced Senate Concurrent Resolution 48 last month, which would supplement a Glenn resolution identical to the amendment now under consideration. My resolution would encourage, to the maximum extent practicable, the participation of U.S. small, disadvantaged, minority-owned, and women-owned businesses in the awarding of subcontracts.

Mr. President, we should remember that in the past decade, small businesses have created 75 percent of the new jobs in the United States, and have developed many of the Nation's technological advances during that same period. Small firms could make great contributions to the rebuilding of Kuwait and they should be given every opportunity to bring their unique and innovative talents to this effort.

The cumulative efforts of our country's small firms could have an important impact on the future of Kuwait, the gulf region, and our business community. Our amendment would unequivocally express the strong support of Congress that awarding primary contracts and subcontracts to American firms would be just recognition of the economic and military support provided by the United States in the liberation of Kuwait.

Mr. President, I urge my colleagues to support this amendment.

Mr. PELL. Mr. President, this amendment by Senator GLENN I believe has been approved on both sides of the aisle and we support it. I believe that in these difficult economic times many businesses could benefit by its implementation.

The PRESIDING OFFICER. The Senator form North Carolina.

Mr. HELMS. Mr. President, I am a cosponsor of this amendment and it has been cleared on this side.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 893) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, I inquire of the distinguished chairman, is he disturbed that Senators are not coming over to call up their amendments?

Mr. PELL. Very disturbed indeed, because the leadership has said they will pull this bill down if we do not get it through today.

In addition to that, it is my understanding from the leadership that around 5 o'clock, if Senators continue not to offer their amendments, he is prepared for us to go to third reading.

I urge Senators to come over. We have the ranking minority member, Senator HELMS, and myself ready here to process amendments. All we need is Senators to come along to offer them.

Mr. HELMS. As I look at the list, we have handled all but two or three in the first category. I am reluctant to identify the Senators who have amendments scheduled. But I would say, Mr. President, that on the first and second page, of the Calendar of Business, or pages 2 and 3 to be precise, there is a list of the Senators who have reserved amendments.

I am going to join the distinguished chairman in doing our best to go to third reading as shortly after 5 o'clock this afternoon as possible, because here it is quarter to 3 and we have been on this bill 2 hours and 45 minutes.

I presume that Senators are interested in their amendments. I am not going to mention any Senator's name, but I would urge staff to look on pages 2 and 3 of the Calendar of Business for Monday, July 29, 1991, and see if their Senators are listed and urge them to get on over here and offer their amendment because we are going to do our best to go to third reading as near after 5 o'clock as possible.

Mr. PELL. That is absolutely correct. And I see here we have already finished almost 20 amendments that have been passed on the Consent Calendar and we are now faced with another 20, 25, that need to be acted upon.

AMENDMENT NO. 894

(Purpose: Section 911 clarifying amendment)

Mr. HELMS. Having said that, Mr. President, on behalf of the distinguished Senator from Wyoming [Mr. WALLOP] I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], on behalf of Mr. WALLOP, for himself and Mr. BIDEN, proposes an amendment numbered 894.

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

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

The amendment is as follows:

On page 162, amend from line 4, through page 163, line 23, to read as follows:

"(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

"(1) climate change is a common concern of the international community;

"(2) numerous international declarations stating the importance of addressing global climate change have been adopted with United States support in international meetings;

"(e) all nations need to participate in international responses to climate change;

"(4) extensive scientific research has taken place on global climate change, but further study is needed;

"(5) the lack of full scientific understanding should not be used as a reason for inaction or postponing actions;

"(6) the United States has an obligation to be a progressive force in development of global goals and schedules for reductions in greenhouse gases in an equitable manner by all nations of the world;

"(7) meetings of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change are underway; and

"(8) strong leadership by the United States is crucial to achieving an agreement on a framework global climate change convention in time for the United Nations Conference on Environment and Development, to be held in Brazil in June 1992.

"(b) POLICY.—It is the sense of the Senate regarding negotiations taking place in the Intergovernmental Negotiating Committee that the framework convention should seek to provide for commitments by all nations to—

"(1) improved coordination of research activities and monitoring of global climate change;

"(2) adoption of measures that are justified for a variety of reasons and which also have the effect of limiting or adapting to any adverse effects of climate change;

"(3) establishment of national strategies to address climate change and to make public accounting of the elements of such strategy and the effect on net emissions of greenhouse gases;

"(4) establishment of verifiable goals for net reductions of greenhouse gases by all nations in an equitable manner; and

"(5) the development of plans by each country to reach those goals.".

Mr. WALLOP. Mr. President, this amendment is cosponsored by Senator BIDEN. I understand that it has been cleared by the floor managers.

The amendment I am offering amends section 911 to reflect three recent developments effecting international global climate change discussions: First, the July 17 "Economic Declaration" of the G–7 economic summit in London; second, section 1003 of S. 1220, the National Energy Security Act of 1991, as reported by the Senate Committee on Energy and Natural Resources; and third, the formal position of the U.S. Government as set forth in its March 15, 1991, submission to the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change.

In the international deliberations concerning global climate change, the United States properly and aggressively has advocated enhanced international cooperation in developing and assessing scientific, technical, and economic information with respect to greenhouse gases and their effects on climate, the possible impact of such effects, and response measures that could be taken at national, regional, or international levels.

The United States also has endorsed and pursued so-called no-regrets policies—those policies that contribute to the reduction of greenhouse gases but are beneficial for reasons other than climate change, such as energy efficiency. Examples include increased energy efficiency, better management of forests and other natural resources, reductions in the use of CFC's, and the lower atmospheric emissions that will result from the Clean Air Act Amendments of 1990.

Mr. President, certain language in section 911, as reported, can cause problems for the United States because it goes well beyond the recent economic declaration of the G–7 economic summit in London.

My first concern relates to subsection 911(a)(5), where the finding states that "the lack of full scientific understanding should not be used as a reason for inaction." This suggests that the U.S. posture is one of inaction; this is not the case.

The United States is pursuing the no-regrets policy that I mentioned and is taking action consistent with that policy. The administration has pointed out that under current law and policy measures already undertaken, such as the Montreal protocol to phase out CFC's, the Clean Air Act Amendments of 1990, and programs to plant more trees, the net greenhouse gas emissions of the United States in the year 2000 are expected to be equal to, or even below, the 1987 levels.

Mr. President, global climate change is a very complex concept. Section 911 suggests the actions to be taken are clear, which is not the case. The provision also suggests that actions should be taken without consideration of their benefits or costs and without sufficiency of our scientific understanding. When the potential benefits of an action are poorly or minimally understood and cannot be justified under a no-regrets policy, it would be a serious mistake to disregard the scientific uncertainties. The greater the economic costs or the smaller the benefits of a proposed action, the greater the need for full understanding of the social, economic, energy, and environmental consequences. This position is consistent with certain key provisions of S. 1220, which received extensive consideration by the Senate Committee on Energy and Natural Resources in hearings and markup.

My amendment clarifies that lack of full scientific understanding should not be used as a reason for, and I emphasize, postponing actions where the benefits of an action, for example, the en-

ergy conservation benefits of an action, are consistent with a no-regrets policy.

Mr. President, the second area of concern addressed by my amendment relates to the interrelations between the findings and goals that appear in three subsections, as follows:

Subsection 911(a)(6) finds that "the United States has an obligation to be a progressive force in development of global goals and schedules for reduction of greenhouse gas emissions in an equitable manner by all nations of the world;

Subsection 911(b)(4) states that it is the sense of the Senate that the international convention on global climate change should seek to provide for a "net stabilization of greenhouse gas emissions by the year 2000"; and

Subsection 911(b)(5) states that it is the sense of the Senate that the international convention on global climate change should seek to provide for "establishment of verifiable goals for net reduction of greenhouse gases by each nation in an equitable manner; * * *,

Mr. President, when read together, the practical effect of these three provisions is to endorse the establishment by 1992 of goals and schedules for their achievement by the United States or other nations without full understanding of their implications for each country that is going to be expected to develop a plan for their achievement.

My amendment clarifies that what is being sought by 1992 is a commitment by all nations to three principles:

First, a commitment to improved understanding of the causes of global climate change and the social, economic, energy, environmental, and competitive implications of any proposed actions to stabilize or reduce greenhouse gas.

Second, a commitment to further scientific research on global climate change to remove the scientific uncertainties that remain on the causes and consequences of global climate change and on the consequences of any proposed courses of action.

Finally, my amendment clarifies that each nation is responsible for establishment of its own national strategies to address the causes of climate change as well as courses of action to ameliorate any adverse effects. Moreover, such strategies are to be formulated with full public accountability for the elements of such a strategy.

On this last point, the amendment clarifies that the Senate fully supports the efforts to formulate a global climate change convention that contains goals. However, any amendment also clarifies that these subsections are not intended to express prior support for any actual goals or schedules that may be included in such a convention until such time as the Congress and the President may conclude, on the basis of the investigation and study that such goals and schedules are feasible and wise from the standpoints of their economic, energy, social, environmental, and competitive consequences for the United States.

What is clear, Mr. President, is that the United States may well bear a disproportionate burden in the implementation of any global climate change agreement. The goals and schedules for limitations on greenhouse gas emissions that are currently being urged by certain of the trade competitors of the United States—European countries, Japan, and others—are unwise and may very well be discriminatory.

Before the United States commits itself to global climate change goals that go beyond a no regrets policy, the American people need fully to understand the economic, energy, social, environmental, and competitive implications of any strategies intended to stabilize or reduce greenhouse gases.

The need to investigate the feasibility of any such global climate change goals is consistent with considered judgment of the Senate Energy and Natural Resources Committee, which, in approving S. 1220, determined that, before acting further, current legislation should require the Government only to "investigate the feasibility and the economic, energy, social, environmental, and competitive implications of stabilization of greenhouse gases." It was the considered judgment of the committee that it would be premature, at this time, to adopt any new national energy policy intended to address global climate change other than a no-regrets policy.

Mr. President, the amendent I am offering supports strong leadership by the United States as crucial to achieving an agreement on a framework global climate change convention in time for the June 1992 U.N. Conference on Environment and Development. The amendment also endorses a coordinated, international commitment to advancing scientific knowledge of global climate change and to the formulation of multinational strategies consistent with a no-regrets policy. In this manner, the amendment also removes any suggestion of support for unilateral action by the United States.

Mr. President, I urge its adoption.

FRAMEWORK GLOBAL CLIMATE CHANGE NEGOTIATIONS

Mr. BIDEN. Mr. President, crucial international negotiations to develop a framework convention on global climate change issues are underway. The negotiations are massive; over 140 nations are gathering around the table to discuss this issue. As the single largest emitter of greenhouse gases, the biggest chair at the table is reserved for the United States.

Unfortunately, the biggest chair has been devoid of leadership. The U.S. negotiators to the framework convention have presented nothing that could be considered a serious offer in the negotiations. In fact, our representatives' negotiating strategy appears more designed to scuttle the talks than to lead them in a worthwhile direction.

Many of us in this body have watched as these events have unfolded. We have listened to the President and his representatives say great things about the need to take action on global environmental issues. We have joined others in eagerly awaiting the policy pronouncements that will convert these promises into action. And we have been disappointed as those policies have repeatedly come up short.

The global climate change convention talks are an opportunity that cannot be so cavalierly thrown away. I offered an amendment in the Foreign Relations Committee to make it clear where the Senate stood on these negotiations. The amendment was accepted by Democrats and Republicans on the committee and included in the State Department bill before us.

The provisions of that resolution have now been accepted, with only minor modifications, by the Senate. It is a strong statement of goals and commitments that should be included in a framework convention on global climate change. It also makes clear that the Senate believes the U.S. negotiators should not just cross their fingers and hope for these developments to occur but have the obligation to fight for them.

The resolution I authored, and which was modified to reflect the suggestions of my colleague from Wyoming, is clear in its intent. The resolution finds that "the United States has an obligation to be a progressive force in development of global goals and schedules for reductions in greenhouse gases in an equitable manner by all nations of the world."

This means the Senate rejects the approach of sitting on the sidelines. It also rejects calling for an agreement that simply asks countries what their business as usual policies would be, and then measure in 20 years where those results leave us. It does call for the United States to take its rightful place at the head of the negotiating table.

The resolution finds that "the lack of full scientific understanding should not be used as a reason for inaction or postponing action." Additional research is needed into global climate change, but to await all the answers is to reject actions under any circumstances.

The resolution supports a policy of "establishment of national strategies to address global climate change and to make public an accounting of the elements of such strategy and the effect on net emissions of greenhouse gases." Strategies adopted to address climate change must be able to withstand the public scrutiny. They cannot be developed using wildy optimistic assumptions that will only leave our planet in disastrous shape in the future.

The resolution supports "establishment of verifiable goals for net reductions of greenhouse gases by all nations in an equitable manner." Again, no more support for policies that will actually increase greenhouse gas emissions. The Senate is calling for a reversal of the growth of greenhouse gases in the atmosphere. And in the context of the framework convention, reductions mandated in other conventions, the Montreal Protocols in particular, are not to be included.

Finally, "the development of plans by each country to reach those goals." This is important. The broad goals should reflect what is needed to protect the health of the planet. And the plans of each country must be organized to meet those broad goals.

Two recent articles describe the folly of the administration's approach to the framework convention. I ask that an article from the Washington Post reporting on the British Government's decision to abandon the United States' strategy be printed in the RECORD. I also ask that an op-ed by Jessica Matthews that puts the U.S. position in a broader perspective be printed in the RECORD.

The position our country's negotiators have put themselves in is untenable. There is a difference between exhibiting rugged individualism and foolishness. There is a reason why our negotiators stand alone in their strategy—it is an indefensible one. They are not protecting a noble principal, they are resisting facts.

The resolution approved by the Senate today sends a strong message. We must be a progressive force on this issue. The White House cannot issue bold proclamations but only support the most timid of actions. The framework convention must call for targets and timetables for greenhouse gas reductions or our planet's future lies at risk.

The U.N. Convention on Environment and Development is less than a year away. But time remains for the United States to salvage the talks. The rest of the world awaits a progressive policy from our negotiators. It is our hope that this resolution helps lead to a reassessment of our negotiating position, and development of a realistic and progressive one.

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

GORILLA IN THE GREENHOUSE

(By Jessica Matthews)

Up and down the East Coast, gardeners are baffled by flowers blooming two months and more ahead of schedule. In my own garden, October chrysanthemums were in bloom on the Fourth of July. Greenhouse warming leaps, unbidden, to mind. One cannot help wondering whether the plants are sensing a climate pattern ahead of human temperature measurements.

Measurements also show a warming trend, but not quite so dramatically. Globally, 1990 was the warmest year since measuring began in the 1850s. The 1980s were the warmest decade in that period—about half a degree warmer than the preceding 40 years. The six warmest years in the last 140 were '90, '88, '87, '83, '89 and '81. The snow is melting earlier in Alaska, and Arctic sea ice is retreating.

These are some of the reasons Europe is impatient to begin controlling greenhouse gas emissions. There are still many puzzles and uncertainties, but the science of global warming is far more robust than most Americans, including the president, have been led to believe.

Bush has allowed John Sununu to overpower conflicting view within the administration. The chief of staff's obsession with the subject is by now well-known. It is so strong that several top officials have decided that there is no point in contesting the issue. Secretary of State James A. Baker III took the extraordinary step of opting out by legally recusing himself on the grounds of a conflict of interest due to his personal oil and gas holdings. (He has never explained why such a conflict would not extend to Middle Eastern diplomacy.)

At the G–7 summit last week, the United States was alone in preferring environmental rhetoric to action. The strength of European annoyance was revealed by unusual on-the-record complaints about the U.S. posture. "The U.S. wants to avoid anything other than generalization. Everybody else wants to make a commitment," was how one European official, quoted in the Los Angeles Times, put it.

Heretofore, Britain has always acceded to U.S. pressure to block international greenhouse commitments, but it has served notice that it will no longer. After being rebuffed in a recent effort to find a compromise between the United States and the European positions, British Environment Secretary Michael Heseltine learned that Sununu had dismissed him as a freelancer who did not reflect his government's views.

Heseltine fired back a letter to the White House described by British government sources as "unusually tough and personal," enclosing a speech just delivered by Prime Minister John Major. Apparently unconcerned by the possibility of a direct conflict with the United States one week before the summit, Major made clear that the rest of the world views the United States as the 800-pound gorilla of global carbon dioxide emissions, responsible for a quarter of the world's total, as compared with the European Community's 13 percent. In several not-so-subtle references to the United States, Major emphasized Britain's intention to control its emissions "if others do their part."

Without Britain or Japan in its corner, the United States' principal allies in resisting greenhouse commitments in the broader global negotiations are Saudi Arabia and the Soviet Union. Saudi Arabia opposes any plan that might lower consumption of its only product. The Soviet Union cannot cope with additional requirements of any kind, though improved energy efficiency would greatly benefit its economy. The rest of the world finds it hard to see why the United States belongs in this company. The consensus view held by Europe, Japan, Canada and a growing number of developing countries is to ready a treaty, including emission-control goals, for signing at next June's U.N. Conference on Environment and Development, the so-called "Earth Summit."

This last of the major U.N. conferences of the century could pose a problem for Bush if the climate negotiations continue to make progress despite U.S. opposition. The Brazil meeting would provide an unparalleled photo opportunity on the brink of the presidential campaign if several agreements are ready for signing and most of the world's leaders attend. Or the president could be forced to stay home to avoid embracing a treaty he has resolutely opposed, offering his Democratic opponent a powerful argument that the "environment president" turned out not to be one.

There is not much time left to adjust the U.S. stance. It was just six years ago that scientists first suggested that global warming warranted international action. Three years later, in 1988, a meeting of governments in Toronto called for a 20 percent cut in carbon dioxide emissions by 2000 and completion of a climate convention by 1992. At the time, both goals seemed wildly optimistic, targets purposely set to exceed governments' grasp rather than achievable aims.

In 1991 the Toronto goals no longer seem fanciful. Six countries, including Germany, have pledged to meet the emissions goal. The rest of Europe, Japan and Canada have committed to stabilizing their emissions at approximately 1990 levels. There is a realistic chance of a finished treaty by 1992, despite the unprecedented complexity of an undertaking that involves all countries and touches on energy use, economic policy, north-south equity, the accounting for long past emissions, future population growth and other equally thorny issues, all once solely domestic affairs.

The treaty would be a beginning and not an end. But even so, the pace of events so far is meteoric. Nothing in the history of diplomacy would have suggested a few years ago that progress could be so rapid. Noting the strength of international readiness to begin slowing greenhouse emissions, and the degree of American isolation, Bush should realize that it's high time he heard more than Sununu's views on the matter.

BRITAIN CENSURES U.S. GLOBAL WARMING VIEW

(By Glenn Frankel)

LONDON, July 13.—Britain has sent a strongly worded letter to the White House criticizing the American position on global warming and signaling that Britain will no longer side automatically with the United States on the issue at such international conferences as this week's Group of Seven summit here, according to informed British sources.

They said British environment secretary Michael Heseltine sent the letter to White House Chief of Staff John Sununu earlier this week. It accompanied a copy of a speech Prime Minister John Major gave Monday in which he called on the United States to join Britain in setting limits on carbon dioxide emissions, an issue the Bush administration so far has resisted taking action on.

Major, at a conference organized by the Sunday Times, noted that the United States accounts for 23 percent of the world's CO_2 emissions—by far the largest polluter—and said, "The world looks to them for decisive leadership on this issue, as on others." He also said that while more research was needed on the issue, "research cannot excuse inaction—the threat is too serious."

The speech marked a sharp break with the policy of his predecessor, Margaret Thatcher, whose government gave virtually automatic support to the United States when global warming and other environmental issues arose at conferences.

The speech and the Heseltine letter are the latest round in a British campaign to compel

the Bush administration to reconsider its stand on global warming. Heseltine, who became environmental secretary after helping engineer Thatcher's downfall last November, traveled to Washington last month to try to convince the White House that it had become isolated from the rest of the world community on the issue and to offer Britain's help in arranging a compromise.

Heseltine saw a number of senior administration officials, including Sununu, Office of Management and Budget Director Richard G. Darman and Environmental Protection Agency Administrator William K. Reilly. Sources said his most contentious meeting was with Sununu, who has insisted that scientific evidence is not yet conclusive in documenting the so-called "greenhouse effect" and who has taken the lead in opposing setting a U.S. target for the reduction of carbon dioxide emissions.

Sources said Heseltine came away from his meetings with U.S. officials disappointed by their apparent unwillingness to recognize that they face a serious political problem on the global warming issue. His disappointment was compounded after he returned to London and heard that Sununu had attacked him at a White House meeting by saying the environment secretary did not know what he was talking about on the emissions issue and that Heseltine was a freelancer who did not accurately reflect the Major government's position.

But Major's speech, which also called for the establishment of a British equivalent of the EPA, made clear the prime minister and the environmental secretary are largely in agreement on the issue.

"In the past, Britain covered for the U.S. and served as the honest broker between the U.S. and Europe," said Daniel Becker, director of the global warming and energy program for the Sierra Club. "Major's speech signals the end of the road. It shows the extent to which the United States is now isolated on this issue."

At their Paris summit two years ago, the leaders of the Group of Seven major industrialized nations promised "decisive action" to curb global warming. Major, who is hosting this year's summit, has promised he will raise the issue again this week. He has also said he will ask the G–7 leaders to pledge to attend next year's environmental summit in Rio de Janeiro. The United States in the past has been reluctant to send high-level officials to such sessions because it has often taken an unpopular and isolated position on the issues under discussion, administration officials have said.

Britain has committed itself to stabilizing carbon dioxide emissions at their present level by the year 2005, while other European Community members say they will do so by 2000. the United States has set no target, and U.S. environmental groups contend that current administration policies would lead to a 15 percent increase in emissions by 2005.

Officials in Heseltine's ministry confirmed the sending of the letter, which was first reported in the Times of London. Although they would not divulge its contents, officials said the Times article, which characterized the letter as "unusually tough and personal," was substantially accurate.

One British source said the speech and the accompanying letter amounted to "not a rupture" between Britain and the United States, "but a toughening of the posture."

Mr. HELMS. Mr. President, this amendment makes invaluable clarifications in the language of the bill relating to international global climate change. It is acceptable to this side and I believe it is also acceptable on the other side of the aisle.

Mr. PELL. The Senator is correct. It is acceptable on the majority side, and I ask that the amendment be agreed.

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

The amendment (No. 894) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 895

Mr. PELL. Mr. President, I send an amendment related to Middle East arms sales to the desk on behalf of the Senator from Delaware, Mr. BIDEN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. BIDEN, proposes an amendment numbered 895.

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

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

The amendment is as follows:

At the end of the bill, add the following section:

SEC. 916. MIDDLE EAST SECURITY AND DEMOCRACY.

(a) SHORT TITLE.—This section may be cited as the "Middle East Security and Democracy Initiative Act of 1991".

(b) FINDINGS.—Congress finds that—

(1) United States arms sales policy in the Middle East should be designed to contribute to the stability and security of the region.

(2) in the absence of progress by governments in the region to build institutions that satisfy popular aspirations for democratic rights and economic development, arms sales alone will be insufficient to ensure the stability and security of the region and the defense of United States interests therein; and

(3) accordingly, the United States must pursue a multifaceted policy in the Middle East, emphasizing progress toward political pluralism and economic development within the security environment fostered by a sound arms sales policy.

(c) PRESIDENTIAL CERTIFICATION.—(1) Whenever the President submits to the Congress a numbered certification with respect to an offer to sell, or an application for a license to export, major defense equipment, defense articles, or defense services to a Middle East country under section 36(b)(1) or section 36(c) of the Arms Export Control Act, as the case may be, such certification shall include a report—

(A) analyzing the steps taken by the government of that country to build or maintain institutions that embody democratic principles, unless a certification is made with respect to such country under paragraph (2)(A)(i)(I); and

(B) in the case of any oil exporting country, analyzing the steps taken by the government of that country to invest and contribute, in a manner commensurate with its wealth, to the economic development of the region.

(2) Whenever a numbered certification with respect to a sale or export described in subsection (c)(1) to a Middle East country is submitted to Congress, the President shall include in such certification—

(A)(i) a certification—

(I) That the exercise of governmental power in that country is determined by free and fair elections and that such country is maintaining institutions that embody democratic principles; or

(II) that, in the case of a country that does not qualify for certification under subclause (I), such country has a record of continuing progress with respect to developing institutions that embody democratic principles; and

(ii) in the case of any oil exporting country, a certification that such country has a record of continuing and substantial achievement in making investment and contributions, in amounts commensurate with its wealth, to the economic development of the region; or

(B) a certification that the proposed transfer of such major defense equipment, defense articles, or defense services would serve the national interests of the United States.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms "defense articles", "defense services", and "major defense equipment" have the meanings given to such terms by paragraphs (3), (4), and (6), respectively, of section 47 of the Arms Export Control Act;

(2) the term "oil exporting country" means a country that exports petroleum extracted within its territory; and

(3) the term "Middle East" means the region which consists of Algeria, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, and Yemen.

Mr. PELL. Mr. President, this amendment requires the President to issue a report describing progress made by countries in the Mideast toward building or maintaining democratic coalition institutions. The amendment also requires the President to certify that the country to which an arms sale is made is a democratic country or a democracy or is making democratic progress or that the sale would serve U.S. national interests. This amendment has been cleared with the administration, and I understand there is no objection to it.

Mr. BROWN. Mr. President, we have reviewed the amendment and find it an excellent amendment and join in calling for its adoption.

Mr. BIDEN. Mr. President, this amendment is similar to the proposal

that I offered last Friday to the foreign aid authorization bill. At that time, the Republican manager of the foreign aid bill made a motion to table, which failed on a vote of 57–39. Following that vote, the other side threatened to filibuster my amendment. Rather than jeopardize passage of the foreign aid bill, I withdrew my amendment.

The amendment that I offer today is a slightly modified version of that proposal. I understand that it is acceptable to the managers and the administration.

Because I delivered an extensive statement during the debate on Friday, I will not take much of the Senate's time today. Allow me to review briefly its provisions.

The amendment attaches two conditions to future U.S. arms sales to the Middle East. Before weapons can be sold to a Middle Eastern country, the President must certify that the recipient nation is either: First a democratic nation; or second is making progress toward developing institutions that embody democratic principles. In addition, in the case of an oil-exporting nation, the President must certify that it is contributing, commensurate with its wealth, to the economic development of the region.

If these certifications cannot be made, the President can still propose such a sale if he believes it would serve the National interest. In other words, the amendment seeks to promote democratic institutions and economic development, but it provides the President with sufficient flexibility to go forward with the sale.

Mr. President, this amendment is necessary to place U.S. policy in the Middle East on a proper course—in promotion of American ideals. Promoting democracy has never been an objective of U.S. policy in the Middle East. Indeed, for years we sought precisely the opposite—the maintenance of monarchies that extend privileges and basic rights to a select few. Even now, the President apparently prefers the dictatorship of the Baath Party in Iraq—minus Saddam Hussein—to any other alternative.

Casting a blind eye to dictatorship should have no place in President Bush's new world order. Instead, we should promote political pluralism in the Middle East, encouraging our friends in the region to take steps to enhance legitimacy—and thus the stability—of their regimes. I am fully aware that democracy is not just around the corner in the Middle East. But the democratic ideal is alive in the region, and we should not shrink from encouraging it.

Nor should we be reluctant to persuade the Gulf States that investing their oil profits in the poorer nations of the Middle East is crucial to regional stability. A key cause of instability in the region is the jealousy felt by many Arabs toward the oil-rich states, whose contributions to Arab development they consider woefully inadequate.

A recent report by the Congressional Research Service that I commissioned supports this perception. According to the study, the aid programs of the Arab oil-exporting nations fell dramatically during the last half of the 1980's. Aid declined from a peak of $9.5 billion in 1980 to $1.5 billion in 1989, the lowest level in the 17-year period covered by the CRS report. Kuwait's aid program, which was $1.1 billion in 1980, dropped in 1989 to $169 million—a drop of 84 percent. Saudi Arabia's aid was $5.7 billion in 1980; by 1989 it had dropped to $1.2 billion—a drop of nearly 80 percent.

Arab leaders often speak of oil as the birthright of all Arabs. But as this study demonstrates, only a handful of Arabs are benefiting from the supposed inheritance of all.

Mr. President, I am sure that we will hear arguments that this will offend our friends in the gulf. To those who say that this amendment might offend our allies in the gulf, I say that promoting democracy should not be an offense to anyone, especially those whom American soldiers fought to defend. It seems like the least we can expect.

We just sent 500,000 American troops to the gulf to defend these oil-rich monarchies from Iraqi aggression. I believe that our willingness to shed American blood in the Persian Gulf permits us to expect progress toward democracy and economic development. Without such progress, we will never have stability in this volatile region. Another Middle East crisis could develop—and another cry for American help could follow.

Mr. President, I am grateful to the mangers of this bill for ther cooperation. I urge the approval of the amendment.

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

The amendment (No. 895) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 896

(Purpose: Striking New Authority relating to Reimbursement for Protecting Private Citizens while in New York City)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 896:

Strike from page 37, line 24 through page 38, line 24.

Mr. HELMS. Mr. President, I am looking at page 38 of the bill, and unless section 143(b) is removed from the bill, it will set a perilous precedent by permitting reimbursement of security costs incurred by the city of New York, for the purpose of protecting private citizens who visit the United Nations or its affiliated agencies.

According to the committee report language to accompany S. 1433, found on page 32 of Senate report 102–98, this important legal change is proposed to "correct an apparent anomaly in the law." Then, the report continues, "The U.S. Secret Service is authorized to protect persons visiting a mission to an international organization, but the law does not explicitly cover persons visiting the international organization itself."

That language is very important in terms of Senators needing to understand what is afoot.

Current law, Mr. President, makes a great deal of sense—but the alteration proposed in section 143(b) does not even make good nonsense. At present, a visit by an official of a foreign government, who visits a mission accredited to the United Nations in New York City and who requires police protection, can create a claim. Under current law, New York City can request the State Department to pay for at least a portion of security-related costs that the New York City Police Department incurs for foreign government officials. But the bill adds a new category of claims.

Section 143(b) amends the law retroactively to permit New York City to pursue claims against the State Department for visits by private foreign citizens to the United Nations. In other words, current law covers only visits by foreign government officials. But the language in this bill would broaden the law to include protection for visits of private citizens.

Senators must not be confused by all of this. There is more. The purpose of section 143(b) is not to allow New York City to make a claim associated with visits of distinguished personalities such as Mother Teresa or the Dalai Lama or any other private celebrity. The section is specifically crafted for only one purpose: to permit New York City to claim reimbursement for a visit in June 1990 by Nelson Mandela.

I think Senators will recall how, after the South African Government released Nelson Mandela from jail in February 1990, Mr. Mandela began a whirlwind series of visits to international capitals. He was invited by President Bush to meet with him at the White House. During that official segment of his American trip, it was appropriate under the law that Mr. Mandela was protected by the U.S. Secret Service agents. No question about that.

But, Mr. President, Nelson Mandela went on to visit other U.S. cities, such as Los Angeles, Miami, and New York City. While in New York, Mr. Mandela gave a speech to the United Nations. And during the same visit, I think Senators will recall that Mandela adamantly defended the close alliance between his organization, the African National Congress, and international terrorists and thugs. Nelson Mandela's list of close allies include Mu'ammar Qadhafi of Libya, Yasser Arafat of the so-called Palestine Liberation Organization, and that noted statesman of the Western Hemisphere, Fidel Castro of Cuba.

On July 27, last week, Mr. Mandela visited Fidel Castro in Cuba and received effusive praise from the Cuban dictator.

Mr. President, I ask unanimous consent that the account of Mr. Mandela's visit to Cuba be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HELMS. I thank the Chair.

Mr. President, Senators should be aware, if they are not already aware, that at this very time we are debating the issue Mr. Mandela has been on a virtual pilgrimage to honor Fidel Castro.

Mr. President, this is not the time to reopen discussion of future United States policy toward South Africa. I made my remarks on that topic on July 10, after President Bush correctly terminated many of the U.S. sanctions against the people of that country, over the objections of Nelson Mandela.

This Senator from North Carolina merely wishes to note that section 143(b) is specifically backdated, that is to say, made retroactive, to cover the visit of private citizens to the United States and specifically to the United Nations.

Therefore enactment of this section not only would create claims by any private citizens who ever visits the United Nations and who needs police protection or thinks he does. It would also allow New York City to claim reimbursement for the specific visit of Mr. Nelson Mandela last year—and that is what this change is all about. And this is what this Senator objects to. Hence, the pending amendment.

Mr. President, passage of the motion to strike protects the taxpayers of America against another raid. Of course, the United States is obligated to protect the guests of the President of the United States. Moreover official visitors in New York who are visiting missions to the United Nations and affiliated organizations also create a reasonable claim against the taxpayers. This is only proper since they are diplomats representing foreign governments. But by striking section 143(b) as this amendment proposes to do, Senators can assure that the funds provided by the American taxpayers are used for proper purposes rather than for questionable ones.

EXHIBIT 1

[From the Washington Post, July 28, 1991]

CASTRO HEAPS PRAISE ON VISITING MANDELA

(By Lee Hockstader)

HAVANA, July 27.—Two of the world's most recognized symbols of defiance and longevity, Cuban President Fidel Castro and South African anti-apartheid leader Nelson Mandela, met here this week for the first time and immediately forged a mutual admiration society.

Castro, well-known as a formidable orator, showered greater praise than even he is known for on his obviously flattered guest, lauding the intelligence, bravery, patriotism, commitment to justice—even the trim physique—of the president of the African National Congress.

"We are in the presence of one who is truly a marvel of work and intelligence," Castro said in a public appearance Thursday with Mandela.

Mandela, on a three-day visit here timed to coincide with the 38th anniversary of the start of the Cuban revolution, returned the favor. He said that "from its earliest days, the Cuban revolution has itself been a source of inspiration to all freedom-loving people." He denounced "a vicious imperialist-orchestrated campaign to destroy the [revolution's] impressive gains," an apparent reference to the United States.

Mandela, showing irritation, also brushed off questions from reporters about Cuba's human rights record, which has been harshly criticized by some of the same international monitoring organizations that took up Mandela's cause during his nearly three decades in South African prisons.

If the two men's assertions of mutual affections sounded similar, their motivations appeared to be distinct.

For the 64-year-old Castro, isolated internationally and under fire for his refusal to liberalize Cuba's one-party Communist system or allow public dissent, the embrace of the Cuban leader by a leader of Mandela's moral authority seemed a defense against Castro's critics.

With his Communist friends in Eastern Europe stripped of their power and his allies in the Soviet Union growing more distant, Castro's closest friend in the international scene suddenly seems to be Mandela, a new acquaintance.

In a ceremony Friday marking the anniversary of his 1953 attack on the Moncada barracks, the opening shot of the Cuban revolution, Castro awarded Mandela the Order of Jose Marti, Cuba's highest civilian honor. With Mandela still at his side, Castro then delivered his usual anti-capitalist, anti-imperialist speech, to which he added a blast at Washington for having backed South Africa's white-minority government and its apartheid system of racial separation.

Mandela, 72, whose ANC is allied with the South African Communist Party, may have had ideological common cause with the Cuban leader, a longtime supporter of the struggle against apartheid and the ANC. But his visit seemed more an expression of thanks to Castro for Cuba's 16-year intervention in Angola's war against the South African army and U.S.-backed rebels.

More than 300,000 Cubans served in Angola from 1975 until the Cuban withdrawal completed this year, and more than 2,000 of them were killed there.

"We come here with a sense of great debt that is owed to the people of Cuba," Mandela said in a speech preceding Castro's on Friday. "What other country can point to a record of greater selflessness than Cuba has displayed in its relations with Africa?"

Critics in the United States and elsewhere have suggested that Mandela has misspent some of his moral capital by meeting with such leaders as Castro, Palestine Liberation Organization Chairman Yasser Arafat and Libyan President Moammar Gadhafi, whose International Prize for Human Rights Mandela accepted. Mandela has bristled at such criticism, especially from the United States, which he points out has backed South Africa's white regimes.

On a trip to Miami last year, Mandela provoked a bitter reaction from the city's large Cuban exile community by refusing to criticize Castro. The visit heightened tensions between Cubans and blacks in that city.

Asked in a news conference today about the criticism directed at Castro by Miami's Cubans, Mandela responded angrily.

"Who are they to call for the observance of human rights by Cuba? They kept quiet for 42 years when human rights were being attacked in South Africa. . . . Who are they to teach us about human rights?"

Asked about tensions between Miami's blacks and Cubans, he struck a more conciliatory note.

"If by visiting this country I am going to create tensions in Miami, I am very sorry for that because I have come here in a spirit of peace," he said.

"The people in Miami are entitled to their own friends and allies. . . . The people of South Africa in general and the ANC in particular are entitled to have their own friends and allies. . . . And in this particular case, Cuba is our friend," he said.

Mandela said he has been reinvited to visit Miami, but it was not clear by whom.

During his visit here, Castro satisfied what he said was Mandela's first request upon arrival—to meet three-time Olympic heavyweight boxing champion Teofilo Stevenson. When Castro introduced them at a public ceremony Thursday, Stevenson and Mandela embraced, both smiling broadly.

Mandela also toured Havana's old colonial quarter Friday, but heavy security kept him from mixing much with the workers and youngsters who usually crowd the narrow cobblestone streets there.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. Is there further debate?

Mr. PELL. Mr. President, this provision raises the authorized ceiling for reimbursing contract firms in State and local governments for providing

protection to foreign diplomats and visitors who come to the United States. The ceiling has not been raised since 1982, 9 years ago. The costs have increased substantially since then. This provision does not require the Federal Government to provide reimbursement but simply allows the State Department to do so.

In addition, it amends existing law providing for the protection of diplomatic missions and visits outside of Washington. The legislative history of this provision made it clear that the Secretary of State is not to be limited to protecting only heads of State visiting missions and the amended language would unambiguously grant the Secretary of State flexibility to protect major foreign visitors visiting international organizations even if they do not visit missions to these organizations.

Finally, this provision allows the State Department to reimburse the localities for expenses that were incurred in the past at the Federal Government's request but exceeded the reimbursement ceiling. Objections to this provision because it would allow New York City to be reimbursed for the visit of Nelson Mandela to the United Nations I believe is not justified.

The Federal Government protected Mandela when he spoke to Congress, and it is inconsistent to refuse to reimburse New York for protecting Mandela when he spoke to the United Nations. Had New York not protected Mandela there is no doubt that the Federal Government would have done so, as it did throughout the visit to the United States at a much higher cost.

Any expenses incurred by New York which are not related to the extraordinary protective needs arising from the Mandela visit to the United Nations are excluded from this visit.

Once again, let me remind my colleague that this provision does not mandate reimbursement. It simply provides authority for reimbursement for justifiable expenses.

The PRESIDING OFFICER. Is there further debate?

Mr. PELL. Mr. President, I request unanimous consent that the vote on this matter be postponed until sometime after 5 o'clock, the time to be determined by the majority leader in consultation with the Republican leader, if that is agreeable with the Senator from North Carolina; that the vote be on or in relation to this Helms amendment on section 143.

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

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

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

AMENDMENT NO. 897

(Purpose: To require a report on Chinese proliferation practices)

Mr. PELL. Mr. President, I send to the desk an amendment on behalf of Senator BIDEN, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. BIDEN, proposes an amendment numbered 897.

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

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

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. .

At the end of the bill, add the following new section:

SEC. 916. REPORT ON CHINESE PROLIFERATION PRACTICES.

(a) REQUIREMENT.—Within 90 days of the enactment of this Act the President shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on "Chinese Nuclear, Chemical, Biological, and Missile Proliferation Practices."

(b) CONTENT.—Such report shall be transmitted in classified and unclassified forms and shall describe all actions and policies of the People's Republic of China which relate to improving the military capabilities of nations in the Middle East and South Asia, including a description of previous and potential future transfer of—

(1) M-series ballistic missile systems, and of technology and assistance related to the production of such missile systems;

(2) technologies capable of producing weapons-grade nuclear material; and

(3) technology and materials needed for the production or use of chemical and biological arms.

(c) SPECIAL REPORT.—At any time that the President determines that the People's Republic of China is preparing to take, or has taken, any action described in subsection (b), he shall so report in writing to Congress.

Mr. PELL. Mr. President, what this amendment does is simply requires the administration to submit a report to Congress on the subject of Chinese nuclear and chemical biological and missile proliferation. This is an extremely important matter, and the Congress needs all the information available to assess the Chinese irresponsible proliferation practices.

Mr. BROWN. Mr. President, our side has reviewed the amendment. We join in encouraging it.

Mr. PELL. I thank my colleague. From our viewpoint, we believe this is a good amendment and recommend adoption.

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

If not, the question is on agreeing to the amendment.

The amendment (No. 897) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 898

(Purpose: To ensure a detailed report is available to Congress and the American people 45 days prior to the announcement of a waiver of most-favored-nation trading status for the People's Republic of China)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 898.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

"SEC. 917. REPORTS CONCERNING CHINA.

(A) Not later than 45 days prior to the announcement of most-favored-nation trading status for the People's Republic of China, the President shall submit to the chairmen and ranking members of the appropriate congressional committees a report detailing specific progress or lack thereof by the People's Republic of China in the following areas:

(1) HUMAN RIGHTS.—Including—

(a) The surveillance, intimidation and harassment of Chinese citizens living within China because of their pro-democracy activities;

(b) The surveillance, intimidation and harassment of Chinese citizens living within the United States because of their pro-democracy activities with particular focus on those whose passports have been confiscated or not renewed in retaliation for pro-democracy activities.

(c) The use of torture or other cruel, inhuman or degrading treatment or punishment;

(d) Political prisoners, including those in Tibet, still held against their will and those who have received amnesty from the Chinese government for their pro-democracy activities;

(e) Prolonged detention without charges and trials, and sentencing of members of the pro-democracy movement for peaceful demonstrations for democracy;

(f) The use of forced labor of prisoners to produce cheap goods for export to countries, including the United States, in violation of labor treaties and United States law;

(g) The Chinese Government's willingness to permit access for international human rights monitoring groups to prisoners, trials, and places of detention; and

(h) The detention and arrest of religious leaders and members of religious groups, including those under house arrest, detained, or imprisoned as a result of their expressions of religous belief.

(2) WEAPONS PROLIFERATION.—

(a) Exports by the People's Republic of China which relate to improving the mili-

tary capabilities of nations in the Middle East and South Asia, including a description of previous and potential future transfers of—

(1) M-series ballistic missile systems, and of technology and assistance related to the production of such missile systems;

(2) technologies capable of producing weapons-grade nuclear material; and

(3) technology and materials needed for the production or use of chemical and biological arms;

(b) JOINING ARMS SUPPLIER REGIMES.—The adoption of guidelines and restrictions set forth by—

(1) the Missile Technology Control Regime;

(2) the Australia Group on Chemical and Biological arms proliferation; and

(3) the Nuclear Suppliers Group.

(3) RESTRICTIONS ON TRADE BETWEEN THE UNITED STATES AND CHINA.—Including—

(a) Internal trade barriers to American goods and products, with particular attention paid to those implemented since the Tiananmen Square massacre in 1988;

(b) Regulations established since 1988 to ensure strict control over more than 100 categories of products;

(c) Excessive duties imposed on imports to China;

(d) Excessive licensing requirements for imported goods;

(e) Restrictions on private ownership of property, including capital;

(f) Section 301 violations, including attempts to evade United States import quotas;

(g) Protection for intellectual property.

(B) HISTORICAL BACKGROUND.—The report shall also include—

(1) A compendium of all actions taken by the Chinese government since the Tianamen Square massacre in each of the areas of the report (human rights, arms sales and nuclear proliferation and trade);

(2) A list of all United States actions taken since 1988 to underscore United States concerns about Chinese policies, including consultations and communications encouraging other governments to take similar actions.

(C) CLASSIFIED ANNEX.—The report may include a classified annex detailing Chinese arms sales and nuclear weapons proliferation activities. All other aspects of the report shall be unclassified.

(D) APPROPRIATE CONGRESSIONAL COMMITTEES.—The "appropriate congressional committees" referred to in (A) above shall include the Foreign Relations and Finance Committees of the Senate and the Foreign Affairs and Ways and Means Committees of the House.

Mr. BROWN. Mr. President, the amendment is fairly straightforward. It calls for a report on China 45 days in advance of any announcement of a waiver of most-favored-nation trading status for the People's Republic of China. It asks the report to cover critical areas such as human rights, arms sales and nuclear proliferation, restrictions in trade between the United States and China. It reflects, I think, the concerns that were raised in previous debate on the most-favored-nation status. It simply requires a report that deals with these subjects in depth, and it makes the record clear as to what progress, or lack of progress, is made in these areas. I think it will bring to the attention of this body, and others in the American Government, a clear idea of the status of these vital areas that I think both parties are quite concerned with.

I urge adoption of the amendment.

Mr. PELL. Mr. President, I think this is a useful amendment. We have just had a lengthy debate on MFN for China, and a report like this will enable us to evaluate, next year at this time, whether China has in fact made progress on many of the issues of concern to all of us in this Chamber, and to the American people as a whole.

We are willing to accept this amendment. I think it is a fine one.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 898) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I would like to pose a question to the distinguished chairman, Senator PELL. I am concerned that Senators are not coming over to offer their amendments. Maybe it would be well to emphasize what we have emphasized before, that shortly after 5 o'clock, if no Senator is on hand to offer amendments, I intend to call for third reading.

The majority leader has made clear that there will be no time tomorrow for this bill. Here it is 3:35, and we still have about two dozen amendments that have been identified in the unanimous consent.

So, by speaking to the distinguished chairman, I am notifying Senators on this side of the aisle who have an amendment, that they would be well advised to come on over and offer their amendments. I think that Senator PELL feels the same way about the Senators on his side.

Mr. PELL. The Senator from North Carolina is absolutely correct. It is our intention, if Senators will not come over, around 5 o'clock or shortly thereafter, to move for third reading of the bill.

My understanding is that the majority leadership supports that, and we have just heard that the minority leadership supports that.

I urge Senators to come over as quickly as possible. We got through a lot of the less difficult amendments—about 20—but we still have another two dozen to get through. So please come over, or please accept third reading.

Mr. HELMS. I thank the Senator.

Mr. President, I hope the staffs who may be listening to this colloquy between the distinguished Senator and me will look on pages 2 and 3 of the Calendar of Business for today, and they will see identified all of the amendments that have been reserved by various Senators. We are going to be here tonight in any case. We have a cloture vote coming up, plus two amendments on which the yeas and nays have already been ordered. There will be more than that in the list of amendments yet to be considered.

So I do hope that the staffs will take a look at pages 2 and 3 of the Calendar of Business for today. If their respective Senators are listening here, maybe we can get some of them over here and start processing the amendments.

I thank the Chair and yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 899

(Purpose: To require a report on terrorist assets in the United States)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], for Mr. GRASSLEY, proposes an amendment numbered 899.

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

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

The amendment is as follows:

On page 169, after line 12, add the following new section:

SEC. 916. REPORT ON TERRORIST ASSETS IN THE UNITED STATES.

(a) Beginning 90 days after the date of enactment of this Act and every 12 months thereafter, the Secretary of the Treasury shall submit to the Committee on Foreign Relations, the Committee on Foreign Affairs, the Committee on Finance and the Committee on Ways and Means, a report describing the nature and extent of assets held in the United States by terrorist countries, nationals of terrorist countries, and any organization or individual engaged in terrorist activities.

(b)(1) For purposes of this section, the term "terrorist countries," refers to countries designated by the Secretary of State under section 40(d) of the Arms Export Control Act.

(2) For purposes of this section, the term "terrorist activities" refers to those activi-

ties defined in section 601(a)(B) of the Immigration Act of 1990, Public Law 101-649.

Mr. GRASSLEY. Mr. President, this amendment is another weapon in our arsenal against terrorism. It would require that the Treasury Department report to key congressional committees on the extent of assets held in the United States by terrorist countries and organizations.

This amendment is particularly important as the BCCI scandal unfolds. The Bank of Credit and Commerce International—called by some the bank of criminals and crooks international—reportedly served as a bank for outlaws and terrorists. We need to have the facts about who used the BCCI and how our financial system was manipulated by individuals like Saddam Hussein and Abu Nidal. How many more BCCI's are out there? How much of America is owned and controlled by agents of terror?

The American people have a right to know how terrorists are doing business in our country. And this amendment would simply, and in a straightforward manner, provide them with this information.

And Mr. President, this amendment will complement the Anti-Terrorism Act of 1991, which passed the Senate in April. That bill creates a civil remedy for victims of terrorism. A report on the assets held in this country by terrorists will enable the victims to direct their legal actions with more precision and accuracy.

Once a year the Secretary of the Treasury would be required to report on the assets held by countries on the State Department's list of terrorist nations, as well as terrorist organizations. Under the Arms Export Control Act, the Secretary of State is required to make a determination regarding the governments of countries that have "repeatedly provided support for acts of international terrorism." Such nations are not permitted to buy American-made weapons, cannot receive foreign aid, and cannot get export licenses for many U.S. products. Now their assets held in our country would also have to be disclosed to the public.

And the report would also have to include information about the assets of terrorist organizations—those groups which have been involved in any of the following—the highjacking or sabotage of aircraft or ships; seizing or detaining and threatening to kill or injure another in order to compel someone else to do something as a condition for the release of the individual; the commission of a violent act against an internationally protected person; an assassination; or the use of weapons with the intent to endanger one or more persons. This definition of terrorist activity comes from last year's Immigration Act.

Mr. President, this legislation is long overdue and I am hopeful my amendment can be accepted by the managers of the bill. It is sound public policy for the Congress and the American people to know the extent of terrorist-backed investments in our Nation's financial institutions.

The PRESIDING OFFICER. Is there further debate?

Mr. PELL. Mr. President, I am familiar with this amendment. I think it is an excellent one. I trust that the reports will be well read, and I suggest that we support it.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 899) was agreed to.

Mr. BROWN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 900

(Purpose: To amend the Foreign Service Act of 1980 relating to grievance proceedings under the Act)

Mr. BROWN. Mr. President, I send an amendment to the desk on behalf of Mr. KASTEN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], for Mr. KASTEN, proposes an amendment numbered 900.

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

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

The amendment is as follows:

SEC. . AMENDMENTS TO THE FOREIGN SERVICE ACT OF 1980.

(a) SCOPE OF GRIEVANCES.—(1) Section 1101(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4131(a)(1)) (hereinafter in this Act referred to as "the Act") is amended—

(A) by striking "and" at the end of subparagraph (F);

(B) by striking the period at the end of the subparagraph (G) and inserting "; and" and

(C) by adding at the end the following:

"(H) any discrimination prohibited by—

"(i) section 717 of the Civil Rights Act of 1964;

"(ii) section 6(d) of the Fair Labor Standards Act of 1938;

"(iii) section 501 of the Rehabilitation Act of 1973;

"(iv) sections 12 and 15 of the Age Discrimination in Employment Act of 1967; or

"(v) any rule, regulation, or policy directive prescribed under any provision of law described in clauses (i) through (iv)."

(2) Section 1101(b) of the Act (22 U.S.C. 4131(b)) is amended—

(A) in paragraph (4) by striking "section 1109(b)." and inserting "section 1109(a)(2).";

and

(B) by adding at the end (as a flush left sentence) the following:

"Notwithstanding the provisions of subsections (b)(1)-(4), nothing in this subsection or in any other provision of law, shall exclude from the meaning of the term "grievance" under this chapter any act, omission, or condition alleged to be discrimination referred to in subsection (a)(1)(H)."

(b) LIMITATION ON FILING OF CERTAIN GRIEVANCES.—Section 1104(a) of the Act (22 U.S.C. 4134(a)) is amended—

(1) by inserting "under this chapter" before "unless"; and

(2) by adding at the end the following:

"(c) Notwithstanding subsection (a), a grievance based solely on an allegation of prohibited discrimination referred to in subsection 1101(a)(1)(H) is forever barred unless it is filed with the Department within a period of 180 days after the occurrence or occurrences giving rise to the grievance. There shall be excluded from the computation of any such period: (1) any time during which, as determined by the Foreign Service Grievance Board, the grievant was unaware of the grounds for the grievance and could not have discovered such grounds through reasonable diligence and (2) any time during which, as determined by the Foreign Service Grievance Board, the grievant was assigned to a post overseas at which the act, omission, or condition alleged to be discrimination occurred."

(c) SUBSTANTIVE LAW TO BE APPLIED.—Section 1107 of the Act (22 U.S.C. 4137) is amended by adding at the end the following:

"(f) The Board shall, with respect to any grievance based on an allegation of prohibited discrimination referred to in subsection 1101(a)(1)(H), apply the substantive law that would be applied by the Equal Employment Opportunity Commission if a charge or claim alleging such discrimination had been filed with the Commission."

(d) RELATIONSHIP TO OTHER REMEDIES.—(1) Section 1109 of the Act (22 U.S.C. 4139) is amended—

(A) in subsection (a) by striking "(a)" and inserting "(a)(1)";

(B) in subsection (b)—

(i) by striking "(b)" and inserting "(2)";

(ii) by striking "subsection (a)," and inserting "paragraph (1),"; and

(iii) by striking "under this section" and inserting "under this subsection"; and

(iv) by adding after paragraph (2), as so redesignated by clause (i), the following:

"(3) This subsection shall not apply to any grievance with respect to which subsection (b) applies."; and

(C) by adding at the end the following:

"(b)(1) With respect to a grievance based on an allegation of prohibited discrimination referred to in subsection 1101(a)(1)(H), the grievant may either—

"(A) file a written grievance under this chapter, or

"(B) file a written complaint under another provision of law, regulation, or Executive Order that authorizes relief, but not both.

"(2) A grievant shall be considered to have exercised the option under paragraph (1) as soon as the grievant timely either—

"(A) files a written grievance under this chapter, or

"(B) files a written complaint under such other provisions of law, regulation, or Executive Order.".

(2) Section 1015(d) of the Act (22 U.S.C. 4115(d)) is amended by striking "section 1109(b)," and inserting "section 1109(a)(2),".

(e) JUDICIAL REVIEW.—(1) Section 1110 of the Act (22 U.S.C. 4140) is amended by—

(1) striking out "Any" and inserting in lieu thereof "(a) Any";

(2) by adding after the second sentence the following new sentence: "This subsection shall not apply to any grievance with respect to which subsection (b) applies."; and

(3) by adding at the end the following new subsection:

"(b)(1) For purposes of this subsection, the term 'aggrieved party' means a grievant.

"(2) With respect to a grievance based, in whole or in part, on discrimination prohibited under subsection 1101(a)(1)H), a grievant adversely affected or aggrieved by a final order or decision of the Board or the Secretary may obtain judicial review of the order or decision in the district courts of the United States.

"(3) Cases appealed under section (b)(2) shall be filed under section 717(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16(c)), section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)), and section 16(b) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 216(b)), as applicable. Notwithstanding any other provision of law, any such case filed under subsection (b)(2) must be filed no later than 90 days after the date that the aggrieved party received notice of the final action of the Secretary or the Board.

"(4) In any case appealed under subsection (b)(2), the court shall review the record and hold unlawful and set aside any Board or Secretary action, findings, or conclusions in accordance with the procedure and standards set forth in subsection 1110(a) of the Act (22 U.S.C. 4140(a)) and section 706 of title 5, United States Code, except that the aggrieved party shall have the right to have the facts subject to trial de novo by the court reviewing the order or decision."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act.

Mr. BROWN. Mr. President, Senator KASTEN sums the thrust of the amendment with the following words:

The Committee has included language in the bill which provides Foreign Service employees who are aggrieved by statutorily prohibited discriminatory acts two options: either filing such complaints as grievances in the grievance system, or as EEO complaints in the agency EEO system. When a member of the Foreign Service believes that he or she has been discriminated against on the basis of race, sex, national origin, religion, age, or handicap, this amendment would permit the officer the option of filing either an EEO case or a grievance. Currently, Foreign Service employees have only been able to exercise the EEO option.

Basically, what the amendment does, Mr. President, is simply grant an option to these employees which other American citizens have.

I urge the adoption of the amendment.

Mr. KASTEN. Mr. President, in the foreign operations legislation for the current fiscal year Senator LEAHY and I introduced and the Senate approved this same amendment. The amendment also had the specific concurrence of the leadership of the Foreign Relations Committee.

Mr. President, the amendment deals with judicial review of grievances alleging discrimination in the Foreign Service. In last year's report, we described the legislation as follows:

The Committee has included language in the bill which provides Foreign Service employees who are aggrieved by statutorily prohibited discriminatory acts two options: either filing such complaints as grievances in the grievance system, or as EEO complaints in the agency EEO system. When a member of the Foreign Service believes that he or she has been discriminated against on the basis of race, sex, national origin, religion, age, or handicap, this amendment would permit the officer the option of filing either an EEO case or a grievance. Currently, Foreign Service employees have only been able to exercise the EEO option.

Mr. President, when we went to conference later in October 1990, this amendment was deleted because of objections by the Post Office and Civil Service Committee in the House. In our conference report on the appropriations legislation, we stated the following:

The conferees agreed to remove Section 594 of the Senate bill and defer to the objections raised by the Post Office and Civil Service Committee—one of the House authorizing committees * * *. Section 594 is a long overdue amendment to the Foreign Service Act of 1980. It provides Foreign Service officers with rights Civil Service employees have long possessed: to file complaints involving prohibited discrimination pursuant to more expeditious negotiated grievance procedures. Currently, Foreign Service officers are compelled to file such complaints through time-consuming appeals procedures such as agencies' EEO offices. The conferees strongly urge the authorizing committees to correct this inequity expeditiously during the next Congress.

Mr. President, this spring the Civil Service Subcommittee, chaired by Congressman SIKORSKI of the House Post Office and Civil Service Committee, held hearings on the legislation. In a bipartisan and unanimous vote, the subcommittee has reported out H.R. 1686, legislation which closely mirrors the amendment being offered today.

Mr. President, we are offering this legislation once again in the hope that the authorization committee will finally be able to correct this inequity for Foreign Service personnel of the State Department as well as other international agencies.

Mr. PELL. Mr. President, I think this is an excellent amendment. Speaking as a former Foreign Service officer, this fulfills a need, and I am very glad, indeed, that it is before the Senate. I urge my colleagues to support it.

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

The amendment (No. 900) was agreed to.

Mr. BROWN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERRY. 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. KERRY. Mr. President, first of all, I would like to express my appreciation to the distinguished chairman of the Foreign Relations Committee who, basically, covered for this Senator because I had an unavoidable problem which delayed me from being able to be here this morning for a bill for which I am chairman.

I am very very appreciative to the chairman of the full committee for making such extraordinary progress and moving it along so far in the course of the day. I am not sure, but maybe if I had stayed away we might have finished it faster.

But I am very appreciative for that, Mr. President. We are really moving very rapidly on this.

I ask Senators. We have a finite list of amendments, and we are moving well through it thanks to Senator BROWN and Senator PELL. The leadership, I gather both leaders, have already expressed a desire to try to proceed to third reading around 5 o'clock. I think it is the majority leader's intention to try to do so.

A number of amendments which are on the limited list of amendments are amendments which we believe we would be able to accept. So we ask Senators—there are not many of them—who are on that list if they are available to be able to come down to the floor now and assist in that.

I am sure most Senators would appreciate it if we did not have to start what will be a tough week with a late night in an effort to try to finish this bill. I know the leader wants to try to do that.

In addition, we are waiting for Senator BROWN to come back at which time we will proceed forward with a couple of amendments which I know that we can take. I would appreciate that very much.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERRY. 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. KERRY. Mr. President, on behalf of Senator BIDEN, I will shortly send to the desk an amendment which has the agreement of both sides. This is an amendment regarding our policy on Radio Free Europe. As all of us know, the events in Eastern Europe remain serious, and the developing democracies there are going through a process that is complicated, and in many cases dangerous.

There are many who feel that it is very important to assert in stronger terms the importance of Radio Free Europe to that process. I think all of us who watched events in Czechoslovakia, Hungary, and indeed, all of the region—but I specifically mention Czechoslovakia—noted with satisfaction as well as interest and pride the degree to which the news, information, and broadcasts that came through Radio Free Europe were indeed a very significant part of the transition that took place there. Indeed, Vaclav Havel personally specifically talked about the impact that it had on their lives.

Senator BIDEN seeks to try to point out how critical that is in his amendment and expresses the sense of the Senate that broadcasts should continue in that region throughout Eastern Europe, and should not be curtailed in any way, until a pattern of free and fair election is clearly demonstrated along with a successful establishment and consolidation of democratic rule.

AMENDMENT NO. 901

Mr. KERRY. Mr. President, I send this amendment to the desk and ask for its immediate consideraton.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for Mr. BIDEN (for himself and Mr. HELMS), proposes an amendment numbered 901.

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

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

The amendment reads as follows:

On page 108, delete lines 13 through 25 and substitute in lieu thereof the following:

SEC. 303. POLICY ON RADIO FREE EUROPE.

(a) FINDINGS.—Congress finds that Radio Free Europe—

(1) by providing valuable information to the people of Eastern Europe, played a critical role for four decades in helping to foster and sustain the aspiration for democracy in that region;

(2) can and should continue to disseminate reliable and timely information to the people of Eastern Europe not only during the period of transition to democracy, but also while democratic institutions are strengthened; and

(3) has been praised by the current democratic leaders in Eastern Europe as an important contributor to public knowledge and the free flow of information during the consolidation of Eastern Europe's new democracies.

(b) POLICY.—It is the sense of the Congress that Radio Free Europe should continue to broadcast to nations throughout Eastern Europe and should not curtail its broadcasts to any nation until—

(1) new sources of timely and accurate domestic and international information have supplanted and rendered redundant the broadcasts of Radio Free Europe to that nation; and

(2) a pattern of free and fair elections in that nation has clearly demonstrated the successful establishment and consolidation of democratic rule.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, this amendment is absolutely acceptable on this side. As a matter of fact, I ask unanimous consent that I be identified as a cosponsor.

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

Mr. HELMS. I yield the floor.

The PRESIDING OFFICER. Is there additional debate?

The question is on agreeing to the amendment.

The amendment (No. 901) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. KERRY. 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. KERRY. 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. KERRY. Mr. President, I will shortly send to the desk an amendment on behalf of Senator Murkowski. This is an amendment on behalf of Senator MURKOWSKI. This is an amendment, in conjunction with the plan that is already required in the legislation regarding the Moscow Embassy, that requires the Secretary to specifically submit for consideration and to notify us of the full consideration with respect to the various options of the rebuilding of the Moscow Embassy, whether teardown, whether top hat with two layers, or top hat with four floors.

As all Members know, the Moscow Embassy has been the singular most complex and contentious part of this bill over the last years. We have spent a great deal of time on it this year, and I believe we are on a track that hopefully can resolve it.

Totally separate from that track, the Senator from North Carolina has moved within the context of the appropriations process to specify a specific option, and that will require some negotiation between the House and the Senate. We have chosen in this particular bill to in a moment proceed along by making an adequate amount of money available in order to do the job, and that includes the job of teardown.

I will say for the RECORD, this Senator is in favor of teardown. That is the route I think we ought to go. I think the Senator from North Carolina shares that. There are divergent views on that. This does not specify the route; it merely requires the Secretary of State to submit to us his analysis of consideration of the various options.

AMENDMENT NO. 902

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

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for Mr. MURKOWSKI, proposes an amendment numbered 902.

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

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

The amendment is as follows:

To be inserted in the bill as Sec. 142(b)(3).

(3) In the preparation of such plan, the Secretary shall insure that detailed consideration be given to at least three construction options: viz, full teardown, and rebuild, four-floor "top hat" in which two floors are removed from the unfinished New Office Building and four floors added, and a two-floor "top hat" in which no floors are removed but two are added.

Mr. KERRY. I yield to the Senator from Alaska.

Mr. MURKOWSKI. I wish to compliment the Senator from Massachusetts on the very conscientious attempt he has made to resolve the longstanding dispute over the U.S. Embassy building in Moscow. As a result of his efforts, the foreign Relations Committee reported out an authorization bill that provides $130 million toward completion of a new U.S. Embassy. The Secretary of State is directed to choose a construction option and report to "the appropriate committees of the Congress a comprehensive plan" for a new Embassy.

In selecting a construction option, I believe the Secretary should be guided by two basic principles: spend as little of the taxpayer's money as possible while providing a secure and efficient facility. It has long been my contention that it should be possible to meet these criteria without removing a single floor from the uncompleted new Embassy office building and by simply adding two newly constructed floors. This might be called a two-floor top hat construction option.

I have offered an amendment to be inserted in the bill as section 142(b)(3) which would require the Secretary to give serious consideration to the two-

floor top hat as one of the available construction options.

Mr. KERRY. I appreciate the Senator's effort to join with other members of the Foreign Relations Committee to see this issue resolved and to insure the Nation finds the best possible solution for what is a terribly difficult problem. The Senator's proposal is thoughtful and serious and deserves careful consideration by the State Department and the Intelligence Community.

We have accepted his amendment as part of a package of noncontroversial and technical amendments.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina [Mr. HELMS].

AMENDMENT NO. 903 TO AMENDMENT NO. 902

Mr. HELMS. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 903 to amendment No. 902.

At the end of the pending amendment, add the following:

"It is the sense of the Senate that, pursuant to its constitutional responsibilities of advice and consent in respect to treaties, the Senate requests that before submitting to the Senate for its advice and consent to ratification a Strategic Arms Reduction Treaty, the President provide:

A classified report with an unclassified summary to the Senate on whether the SS-23 INF missiles of Soviet manufacture, which the Soviets have confirmed have existed in the territories of the former East Germany, Czechoslovakia, and Bulgaria, constitute a violation of the INF Treaty or constitute deception in the INF negotiations, and whether the United States has reliable assurances that the missiles will be destroyed.".

Mr. HELMS. Mr. President, I thank the distinguished clerk. I asked him to read it in its entirety because the amendment speaks for itself.

Mr. President, my amendment simply requests that the President report to the Senate on the covert Soviet SS-23's banned by the INF Treaty. I do not believe this amendment is controversial in the least.

In fact, it is almost identical to an amendment of mine adopted by the Senate last year, on August 2, 1990, by unanimous consent.

The only difference between last year's amendment and this one is that last year the Senate also requested a report on the status of the Soviet Krasnoyarsk radar. A special report on Krasnoyarsk does not seem necessary now, however, because the Soviets finally seem to be dismantling it entirely. Indeed, they even seem to have accelerated their dismantling of Krasnoyarsk, and it may be completely destroyed by the end of this year. I hope so. Of course, they may be moving the Krasnoyarsk components to some other place, but we will see about that.

But since August 2, 1990, the President has not given the Senate its requested full report on the covert Soviet SS-23 missiles.

And that is a lapse on Pennsylvania Avenue, and I think we ought to jog the President's memory, or those who advise him, or those who just somehow fail to issue the reports which have been requested.

Indeed, there is important new intelligence on these SS-23's that was not included in the February 1991 report to Congress on Soviet Noncompliance With Arms Control Treaties. This important new evidence was acquired too late to be included in the February report, and it has not been reported to the Senate at all. And yet now the President is about to sign a START Treaty, perhaps on Wednesday, July 31, 1991.

Since last August, the Soviets have continuously refused to dismantle these SS-23 missiles, which were banned globally by the INF Treaty. In contrast to the Soviet admission that Krasnoyarsk was a clear violation of the ABM Treaty, and the belated Soviet actions to tear it down in order to come into compliance, the Soviets are still stonewalling on the SS-23 issue.

Mr. President, my critique of the INF Treaty was based upon my assessment that the Soviets had engaged in negotiating deception to preserve covert INF forces, that they had falsified their declared data on the numbers of their INF missiles, and that they had illegally retained banned INF missiles as covert forces.

In April 1990, the Soviets finally admitted that they covertly provided SS-23 missiles banned by the INF Treaty to three Eastern European nations—the former East German Democratic Republic, Czechoslovakia, and Bulgaria.

In March 1990, the former chief United States INF negotiator, Ambassador Maynard Glitman, described this Soviet covert deployment of banned SS-23's in Eastern Europe as "deceit and mendacity," and he added that this deceit and mendacity had characterized Soviet private and public behavior before during and after the INF negotiations. I wish that Ambassador Glitman had mentioned this deceit and mendacity during the Senate's consideration of the INF Treaty.

President Bush in his February 1991 report to Congress on Soviet Noncompliance With Arms Control Treaties called the Soviet covert SS-23 deployment "bad faith." But this February report was only an interim, incomplete report, and did not include the full SS-23 story. As I mentioned, this important new evidence on the covert SS-23's was acquired too late to include in the February report.

Now the administration has this important new evidence relating to the SS-23 deployment, but they will not release this new evidence to the Senate or to the public. I asked that this new evidence be reported to the Senate in March, but so far nothing has happened.

More recently, the United States CFE negotiator has accused the Soviets of fraud in the CFE negotiations, and we have conclusive smoking gun intelligence evidence that the Soviet data declared at the time of CFE Treaty signing November 19, 1990, was grossly false. Moreover, Russian President Boris Yeltsin told Senators last month, and former Soviet Foreign Minister Eduard Schevardnadze also conceded in 1988, that Soviet negotiators had long engaged in falsification and deception in arms control negotiations.

Mr. President, on July 17, 1991, the Acting Director of Central Intelligence, Mr. Richard Kerr, testified in public to the Senate Committee on Foreign Relations on the proposed Conventional Forces in Europe Treaty. In his unclassified testimony, the Director of Centeral Intelligence stated specifically that under the INF Treaty: "* * * the detection of a single proscribed [INF] weapon [is] a violation [of the INF Treaty] once the reductions period is completed."

Well, I must agree with the DCI, Mr. Richard Kerr. The 3 year INF reduction period was over on May 31, 1991, and after that date, all United States and Soviet INF missiles and all their support equipment, anywhere in the world, were supposed to be completely destroyed. But is there new evidence that Soviet INF missiles and INF equipment that were all supposed to have been destroyed by May 31, 1991, are still intact? Would this be a flagrant violation of the INF Treaty?

Mr. President, we should recall that former Secretary of State George Shultz stated during the INF ratification hearings in the Senate Foreign Relations Committee that the United States would react strongly to any Soviet violations of the INF Treaty. But the United States has not reacted strongly at all to Soviet INF violations, and now before the Senate has even been fully informed about the most important one—the covert SS-23's—the President is about to sign a new START Treaty.

Mr. President, I hope that President Bush will ask the interagency compliance group to send a full report to the Senate on the SS-23's soon, and also answer these questions soon, before he signs a new START Treaty.

The Senate needs a full report on the Soviet covert SS-23's before the President signs a major new arms treaty, START, perhaps on Wednesday. The Senate originally unanimously requested this report last August, but all we got was an incomplete report in February. It is time that we receive a full report.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts [Mr. KERRY].

Mr. KERRY. Mr. President, the Senator from North Carolina is correct. The amendment does speak for itself. We are happy to accept this amendment. This is an area of inquiry that we verified last year, and which we think ought to be made.

Needless to say, it is important for the Senate to assert in conjunction with possible treaty consideration some sort of oversight with respect to those treaties. We have always done that, and the Senator from North Carolina is correct that this particular question about this missile is an important one, and it is one the Senate ought to have a report on.

We are happy to accept this amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question occurs on amendment No. 903 of the Senator from North Carolina to amendment No. 902 of the Senator from Alaska.

The amendment (No. 903) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there further debate?

The question now occurs on amendment No. 902. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 902), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. KERRY. Mr. President, I would remind colleagues we are about to have a vote, I think. But this is the moment the leader intended to try to proceed to third reading. Both sides have agreed to try to go to third reading.

So, Mr. President, I hope if anybody else has an amendment this is the moment.

The PRESIDING OFFICER. Does any Senator seek recognition?

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 904

(Purpose: To condition certain loans to Latin American and Caribbean countries)

Mr. BROWN. Mr. President, I have an amendment that I am sending to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The Clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 904.

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

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

The amendment is as follows:

On page 169, after line 12, add the following new section:

SEC. 916. CONDITIONS ON NEW LOANS FOR COUNTRIES WHOSE DEBT HAS BEEN REDUCED.

(a) CERTAIN ADDITIONAL LOANS PROHIBITED.—No government of a Latin American or Caribbean country for which the United States has reduced any debt described in subsection (b) shall be eligible for any loan authorized pursuant to the Foreign Assistance Act of 1961 for a period of up to five years from the date that the debt reduction has been initiated and, then, such country is eligible for such a loan only if the President has certified to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that such country has the ability to repay the loan throughout the term of the loan.

(b) DEBT COVERED.—The debts referred in subsection (a) are the amounts owed to the United States (or any agency of the United States) that are outstanding as of January 1, 1991, as a result of concessional loans made by the United States (or any agency of the United States) pursuant to the Foreign Assistance Act of 1961 (or any predecessor foreign economic assistance law) by any Latin American or Caribbean country.

(c) SUPERSEDING OTHER PROVISIONS OF LAW.—The provisions of this section supersede any other provision of law.

Mr. BROWN. Mr. President, the amendment is quite simple. What it indicates is that nations whose debts we have forgiven in the Caribbean area, as well as Latin America, which have been forgiven under a law passed by this body or affirmed by this body recently, would not be eligible for new loans unless the President steps forward and certifies they have the ability to repay future loans.

I might mention that included in the list of nations, 11.8 billion dollars' worth of loans, are countries such as Venezuela, which has enormous resources in terms of oil, natural gas, and other natural resources; Mexico, which also has enormous natural resources.

So the suggestion is simply this. We made some bad loans. We can second guess those who made those loans, but that decision has been made and passed. The money has been put out. We have passed the point where we have forgiven those loans, presumably because we feel they are uncollectible. But it is not too late to make sure we do not make the same mistake a second time.

So this measure simply says when you are going to loan to those countries who defaulted on those loans, in effect, when you are going to make additional loans to countries who defaulted on their obligations to the United States, that at least the executive branch is required to certify that they have the ability to repay those loans.

Mr. President, some will suggest this is too tough a standard, that you should not expect people to repay their loans or even the President to certify they have the ability or he thinks they have the ability to repay their loans.

But let me suggest what is important here. It is not that we may not choose to help these countries again in the future. I suspect many of them were countries this Nation will want to work with in a mutual effort in the future. But what is at stake here is the question of whether or not it is the Congress of the United States that appropriates money or whether that money is appropriated by default.

Let me suggest how that works. In the case of loans that are in the process of being forgiven, those loans were made without specific authorization of Congress with regard to the funds that were expended to each country. This body, the elected representatives of the people, did not vote to give Venezuela $20 million, and yet that could be the result of what has happened. That money was loaned and we have not passed the ability to write off that loan.

By insisting that new loans have to be ones where the country that borrows the money has the ability to repay, all we are saying is that if you want to take taxpayers' money and give it away, you have to have the elected representatives of this Nation vote on it. You could always come up with new loans for these countries, but only if they are not creditworthy do you have to have Congress act. That is not severe, that is not tough, that is not overly binding.

As a matter of fact, the purpose of the foreign aid bill is to correspond those matters and have the elected representatives vote on it. This simply closes the loopholes. It says one mistake is enough. It says we are going to follow the normal procedure. It says when you use the money of the taxpayers of this Nation, you at least ought to either have your elected representatives vote on it or, by the very minimum measure, not loan money to countries that have defaulted on those measures.

Let me ask how many here would take a check from someone whose check has bounced. Is there anyone here who would do that? Is there any-

one here who thinks that is good business practice? The fact is, taking bounced checks does not make much sense. And taking a second check from someone whose check you know has bounced makes little sense at all.

We ought to ask our Nation to follow reasonable procedures. This is simple, it is basic, and it is a minimal requirement. I believe the taxpayers of this Nation have a right to ask at least this much from us.

Mr. President, at this point, I ask unanimous consent that the entire list of debts to the Latin American governments as well as Caribbean governments which we have passed authorization to write off be printed in the RECORD.

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

Latin American debt to the United States Government, January 1991

Argentina	$524,955,820
Belize	26,412,350
Bolivia	527,947,386
Brazil	2,490,464,261
Chile	431,770,695
Colombia	998,390,147
Costa Rica	235,561,176
Dominican Republic	669,072,918
Ecuador	218,399,126
El Salvador	756,358,092
Guatemala	304,169,186
Guyana	115,048,601
Haiti	134,649,101
Honduras	455,649,236
Jamaica	865,800,888
Mexico	1,538,445,576
Nicaragua	264,564,738
Panama	240,301,541
Paraguay	34,882,914
Peru	798,170,032
St. Vincent	1,481,309
Trinidad and Tobago	113,936,144
Uruguay	46,238,711
Venezuela	20,006,261
Total	11,812,676,209

Source: Mr. Thomas Moran, Manager of the Foreign Credit Reporting System, Department of Treasury. From: Status of Active Foreign Credits, Published by the U.S. Government.

Mr. BROWN. Mr. President, I retain the remainder of my time. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. WELLSTONE). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KERRY. Mr. President, I have just gotten hold of this since I arrived here this afternoon, and I have looked at it. I commend my colleague from Colorado for what I think he is trying to do, but I have some question about whether or not there are some things that he does not intend to do that may happen as a consequence of this amendment and whether or not the language is framed in a way that it might not have a better impact if we were to change it a little bit. I would be happy to discuss that more specifically with my colleague.

What my colleague seeks to do is appropriate. There are countries that have had their debts reduced, and many Americans are struggling, obviously, to make ends meet and are questioning why they should be seeing dollars go down a hole where a country does not take reform efforts or does not pull its own fiscal act together, and yet they take our hard-earned tax dollars and get another loan or a loan from a bank which writes it off and then it comes back to haunt us, by virtue of the write-off, and we wind up picking up the difference.

The problem here is—and I think it is something we need to work on—severalfold. First of all, paragraph (c) of the amendment states that this will supersede all other provisions of law. Now, there are other laws that apply to loans, and we have prohibitions against countries getting loans if they do not live up to certain standards.

For instance, in the narcotics law, if a country is not fully cooperating with us or if other problems exist in the effort to fight narcotics, we have the ability to cut back, to not continue loans.

According to this legislation, by virtue of the supersession clause, coupled with paragraph (a), which suggests that a loan will be authorized if the President certifies that such country has the ability to repay, it would then create a new standard for all repayments because of the supersession, and it would say that all they have to do is be able to repay notwithstanding the existence of another provision of law.

Even if you did not read it that way, even if you did not accept that potential confusion, the other problem that I think exists—and I would like to see if we can work some language out that would perhaps address this—but the other problem that at least this Senator sees is that it says that the qualification for whether you give a loan will be that "such country has the ability to repay the loan throughout the term of the loan." I do not know any President who can certify that a country can repay it throughout the term of the loan.

But, second, what happens if you have a government under one President and one administration in Latin America that had seen its loans reduced and then you have a total change of government and in comes a reform-minded government that says we have a plan, we are going to cut spending, we are going to devalue whatever the currency is, we are going to undertake very strict fiscal measures, we are going to put our country through a certain amount of pain, but essential to our getting through this hard time is that we have some ability to grow and expand our base economically? We are dependent upon some infusion of a loan in order to do that. It is going to be an extraordinary leap of faith to be able to assume that on day 1 or month 1 of that new administration coming in, they have the ability to repay a loan throughout its terms.

Yet, according to this, that is the only standard on which you could make that loan, when that loan may be in the interests of our foreign policy. That loan may be precisely what we would seek to do in an effort to get that country into a stronger position so that, indeed, they can go down the road. And that is often a judgment we make subjectively in these kinds of matters.

So I would simply suggest to my colleague, maybe we ought to take a moment to talk about that. I may be wrong, but that is certainly my reading and I would be happy to see if we could come to somewhat of an agreement. I agree with him. I do not think we should be making stupid loans, and an awful lot of stupid loans were made, and there is no question about it. Some extraordinary loans were made under circumstances that make you wonder how anybody was in the business. Obviously they are not now, some of them, as a consquence of that. So I hope we could arrive at some agreement on this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, I thank my colleague from Massachusetts for his thoughtful remarks. They are typical of the thorough approach he has taken toward this legislation and the efforts of the subcommittee.

I am glad to report that I think the measures he brought up benefit by clarification. First of all, subparagraph (c). We have checked on subparagraph (c). What it means, simply, is that these provisions are in addition to other provisions. So rather than jeopardize the other provisions, they simply say you have to go through, you have to have the certification here for the additional loan.

So there is no problem. I am happy to make that point clear for the record. There is no problem with regard to drug questions or anything else. The simple fact is, if you fail to comply, if you fail to meet your obligations and you have defaulted and we have written off the note, then you have an added requirement of the Presidential certification.

Let me remind the body, though, here, that even if you cannot meet Presidential certification you can certainly be considered in the foreign aid appropriations bills and authorization bills. All this means is that Congress gets a chance to vote, if you are planning on loaning money to someone who is not creditworthy.

This provision is not out of line with the temper of the measure that passed this body. Included in that is a provision that no new loans were to be granted to countries that have defaulted on their obligations to the

United States or had their debts forgiven under the provisions of that measure for 5 years. So that the question of recognizing a special status for people who fail to pay their loans and obligations to the United States is already recognized in the bill. This simply adds a second term, a second provision for countries that have fallen into that category.

The Senator also mentioned what is, I think, an important area we ought to look at. That is the question of countries that have gotten new governments, that bear some promise. That, under the measure, simply becomes a question for the President to determine. If he comes to the conclusion this government is indeed sincere and can, with that change of policy, meet that obligation, the President is perfectly free under this legislation to issue the certification. It is simply a matter for his judgment.

But, lastly, let me come to the point, I think, that is appropriate. The list that we have had printed in the RECORD is a list of countries that have loans of $11.8 billion, that the American taxpayer has come up with the money for and loaned overseas. These were loans that were made unsecured. They were made to foreign governments. That came out of the hard work and the efforts and the labor of the working men and women of this country. Each one of us who goes back to our State is going to have to answer to the taxpayers for those defaults—more particularly for our wilingness to write those loans off.

That decision has been made by this body. The decision has been made by this body to write off those loans, or get the President to write off those loans in perpetuity. They are not kept on the books, not kept as a counterweight for future obligations we might incur. They are simply written off. They have been written off by a country that has the biggest deficit of any country in the history of the world.

I do not know about other Senators, but this Senator does not feel comfortable telling the working men and women of this country they have to forget the money that is owed to them, particularly when many of those countries have enormous assets, and an ability to pay. All this bill says is if you have defaulted on your obligation to the American taxpayer, to the working men and women of this country, if you are going to get out of that obligation, you at least have to be creditworthy if you are going to get another loan.

I hope my colleagues will support this measure. I hope we will have a strong vote in favor of saying one mistake is enough and at least you ought to have a credit report, a credit check before you make second loan.

I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. I wonder if my colleague will yield for a question just for a moment. I appreciate his comments very, very much. I might say for the record, since I was not here at the opening, I have enjoyed enormously working on this in a close, bipartisan, and very friendly fashion. I think we have made a good piece of legislation here.

I would just like to ask him how he sees this standard being applied in terms of the capacity to repay a loan throughout the term? If he might give us a sense of how he would see that judgment being exercised?

Mr. BROWN. The language that is included was meant to give broad discretion to the administration. By emphasizing or at least including the words "throughout the term of the loan," our thought was that regarding the Government which he has made the case for, that is turning things around—that this allows the President to take into consideration not simply the hard assets and liabilities of the country at the present time but the potential of the country in future years. So, indeed, many people who might not qualify for a loan today would, under this definition, be allowed to borrow the money because the President could take into consideration their future ability to deal with that obligation.

Mr. KERRY. So, if I may inquire further, Mr. President, the Senator is specifically inserting in his definition of "ability" a subjectivity that gives a significant amount of latitude to the President of the United States. Is that correct?

Mr. BROWN. That is correct and that was our intent. Frankly, we recognize many of these loans have been offered not simply as a business deal but as an effort to assist other countries. And we think that should be considered.

UNANIMOUS-CONSENT AGREEMENT

Mr. KERRY. Let me just interrupt my flow of questioning here to do a bit of housekeeping, if I may very quickly. That is to propound a unanimous-consent request.

Mr. President, with respect to the pending Helms amendment No. 896, I ask unanimous consent there be a limitation on time for debate as follows: 10 minutes for Senator MOYNIHAN, 10 minutes for Senator D'AMATO, and 10 minutes for Senator HELMS, and that following the conclusion or yielding back of time that there be a vote on or in relation to the amendment at a time to be set by the majority leader after consultation with the Republican leader, and that no amendments to the language proposed be stricken be in order.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, reserving the right to object, I just inquire of the distinguished Senator from Massachusetts if this has been cleared with the Republican leader?

Mr. KERRY. This has, indeed, been cleared on both sides.

Mr. BROWN. This has been cleared.

Mr. COCHRAN. I withdraw my reservation, Mr. President.

The PRESIDING OFFICER. Is there objection?

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

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

AMENDMENT NO. 904

Mr. KERRY. Mr. President, I thank my colleague, and I thank the Senator from North Carolina. If I could come back, Mr. President, to the question I was asking the Senator from Colorado. As I understand his answer, the President of the United States would be able to look at a country that does not have the immediate ability to pay but that the President deems, by virtue of changes that are being made, by virtue of Government policies or whatever broad set of considerations the President wanted to use as a part of his analysis, the President could determine that a loan should go forward; is that correct?

Mr. BROWN. That is correct.

Mr. KERRY. Mr. President, I wonder if my colleague would share with me, having both of us stated that what we wanted to do is not allow money to somehow go down a rat hole, there is no real guarantee that it might not; is that not fair to say. That we are giving the President subjectivity which some might say might not be that different from the subjectivity that has been exercised in the past.

Mr. BROWN. Mr. President, I think the Senator makes an excellent point. There is no ironclad guarantee that this money will be repaid. I think that is correct, although I at least feel there is some benefit. It seems to me in cases where a nation not only does not have the ability to repay the loan, but has not been willing to adopt those policies that could turn things around, it seems to me it makes the administration a little less likely to extend credit under those circumstances. By having the Executive go on line, it requires them to at least do an analysis of this kind which is not now clearly called for and at least requires them to make a judgment in this area, which has not always been the case either.

Mr. KERRY. I appreciate the frankness and candor of my colleague in that spirit. Certainly, his language would send a message and cannot really bind a particular kind of behavior. I think his definition of ability is helpful.

I am troubled still, and perhaps I am troubled a little bit by ignorance, and

I ask my colleague to give me further guidance, if he would, with respect to the superseding issue.

As I read this particular paragraph, paragraph (c), it says: "The provisions of this section supersede any other provision of law."

It does not refer specifically to the loan process or to this section, but any other provision of law, period. I do not understand why that would not, for instance, in the Brooke-Alexander amendment where you have a rule with respect to 6-month arrearages on loans where no country can go beyond 6 months without automatically being cut off, why would this not apply to that section also, thereby obviating the Brooke-Alexander amendment, which would, in effect, mean you have only one standard now with respect to loan programs?

Mr. BROWN. I appreciate the Senator bringing this point up. It should be made very clear that the superseding provision of subparagraph (c) simply makes it clear that the additional requirement, that is the certification of an ability to repay, is simply an additional requirement. So there is no requirement here that the President extend the loan. It is merely a clarification that all loans made to countries who defaulted after that time period have to have a Presidential certification for a new loan.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to add Senator HELMS as a cosponsor to my amendment.

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

Mr. KERRY. Mr. President, I believe the pending business is the amendment of the Senator from Colorado; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KERRY. Mr. President, there is no objection on our side with the exception of the continued sense of interpretive difference here with respect to the issue of the supersession clause. My colleague and I have discussed it, and what we will do is take this amendment at this time with the understanding that when we get to conference, if it continues that there is in fact a legal impediment by that, we would deal with it at that point in time.

Mr. President, I have no further comment at this time.

I yield the floor.

Mr. BROWN. Mr. President, with no other debate on the amendment, I ask unanimous consent to vitiate the yeas and nays.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 904) was agreed to.

Mr. KERRY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 905

(Purpose: To establish an endowment fund to support a student exchange program among secondary school students from the United States and secondary school students from former Warsaw Pact countries in Eastern Europe)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY] proposes an amendment numbered 905.

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

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

The amendment is as follows:

On page 92, between lines 10 and 11, insert the following:

SEC. 226. ENDOWMENT.

(a) ESTABLISHMENT OF FEDERAL ENDOWMENT.—The Director is authorized to establish an Endowment Fund (hereafter in this section referred to as the "Fund"), in accordance with the provisions of this section, to support an exchange program among secondary school students from the United States and secondary school students from former Warsaw Pact countries in Eastern Europe, including from the territory formerly known as East Germany. The Secretary may enter into such agreements as may be necessary to carry out the purposes of this section.

(b) TRANSFER.—

(1) APPROPRIATIONS AND OTHER AVAILABLE FUNDS.—The Secretary shall transfer to the Fund the amounts appropriated pursuant to the authority of subsection (f) and any other funds available to carry out the exchange program assisted under this section.

(2) GIFTS.—(A) The Secretary is authorized to accept, use, and dispose of gifts of donations of services or property to carry out the provisions of this section.

(B) Any funds received by the Secretary pursuant to subparagraph (A) shall be transferred to the Fund.

(3) IN GENERAL.—The Secretary, in investing the endowment fund corpus and income, shall exercise the judgment and care, under the prevailing circumstances, which a person of prudence, discretion, and intelligence would exercise in the management of that person's own business affairs.

(4) SPECIAL RULE.—The Fund corpus and income shall be invested in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, or other low-risk instruments and securities.

(d) WITHDRAWALS AND EXPENDITURES.—The Secretary may withdraw or expend funds from the Fund for any expenses necessary to carry out the exchange program described in subsection (a).

(3) DEFINITIONS.—For the purposes of this section—

(1) the term "secondary school" has the same meaning given to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965; and.

(2) the term "Director" means the Director of the United States Information Agency.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $4,000,000 to carry out the provisions of this section. Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expended.

Mr. BRADLEY. Mr. President, this is an amendment which will create an endowment fund of up to $4 million in order to establish an exchange program between high school students in former Warsaw Pact countries including the eastern part of Germany and the United States. It is my intention that the bulk of this flow would be from high school students in Eastern Europe including the eastern part of Germany to the United States.

It would be administered by the USIA, and high school students in the eastern part of Europe, former Warsaw Pact countries, would come and spend a year with American families. I believe that that year spent with American families would be of long-term benefit to this country, would promote democracy, would allow them to see firsthand how our democracy works, would give them an appreciation of how a market economy works, how our democracy works, and how a pluralistic society functions better than any book they could ever read. It would also provide that funds be allowed to be contributed to this endowment fund from the private sector if such funds were available.

I think it is a major and positive investment. We need to do it now because many of those countries have had no experience with a market-oriented economy or with the democratic process, and this would give them that opportunity.

Mr. HELMS. Mr. President, I have discussed this amendment with the distinguished Senator, and I find it has great merit. We approve it on this side.

Mr. KERRY. Mr. President, I thank the Senator from New Jersey for his efforts. This is part of a larger effort on which Senator BOREN and I, and Senator BRADLEY and others have been working. It really dovetails into another piece of legislation which will come to the floor. I think it is a very important part of expanding our ability to reach those people who really need to be reached.

We have an enormous number of graduate students in this country in

various programs. We are simply not reaching the secondary level or equivalency.

I congratulate the Senator for his sensitivity to that impact and particularly in that part of the world. I think it is important for us to note these programs are just extraordinary in their return. They are so low an investment in the long run for the understanding people get. All you have to do is travel to one of these other countries and get a sense of the awe that they hold for the United States and the difference it makes to their lives, just any scrap of information, any piece of the outside world that gives them a sense of the opportunities available to us. All of a sudden you take a student and give them a piece of that over a period of time and the cultural, political, and social impact is enormous.

This is a very good piece of a larger effort which is going to take place. I know the Senator from Oklahoma is present. This is a very important piece, because what he is doing is really going to augment the national security capacity of this country ultimately. I congratulate him for his sensitivity to this entire effort.

Mr. BOREN. Mr. President, I thank my colleague from Massachusetts for his comments. I join with him in commending the Senator from New Jersey for this initiative.

We have been working together, the members of the Foreign Relations Committee and the members of the Intelligence Committee, to improve and increase the international skills of the next generation of Americans. We find ourselves very thin in the areas of knowledge of foreign language, international studies, experts in various regions of the world. This kind of knowledge is essential if we are to be secure as we move into the next century. The attributes for world leadership as we approach the next century will be very different than those in the past.

We are in a very new environment, one that demands that our young people speak the languages of the world and understand the regions of the world in a way they were never forced to do before. Our very survival, the very definition of national security itself, must encompass the development of these skills. Along with it, it is exceedingly important that we build bonds of friendship and relationships, especially with the next generation of leaders who will be coming foward in those nations that were formally part of the Warsaw Pact.

Early in high school years we need to begin to build these bonds of friendship and understanding, commitment to the ideals that have indeed been the motivating factor for those that have brought about the revolutionary changes in the movement toward freedom in Eastern Europe. We need to assure ourselves that the next generation will have the same kind of commitment to those ideals, and will have an even deeper understanding of these institutions.

That is exactly what the Senator from New Jersey is helping to assure through this proposal: The beginning of really a very modest effort to exchange students now, beginning at the high school level, between the United States and those countries, East Germany and the other countries of the Warsaw Pact.

So I congratulate him on it. It is very consistent and complementary to the efforts that we will be bringing to the floor as part of the intelligence bill later this year—what we have called the National Security Education Act as part of our intelligence bill.

I strongly support what is being attempted here. I thank him, and also thank the distinguished chairman of the subcommittee who has worked closely with us and who has also contributed his ideas, including his very strong support for the programs that would increase and improve the training of teachers in these fields like foreign language and regional studies, something that we will be considering as a part of the intelligence bill later on.

So I congratulate all of those involved in this particular proposal. I want to express my strong support for it.

The PRESIDING OFFICER. Is there further debate?

Mr. BRADLEY. Mr. President, again I want to thank the distinguished minority representative, Senator HELMS, and Senator KERRY and Senator BOREN for their support of this initiative. Again, it is my intention that we have the weight of the exchange from the students from Warsaw Pact countries coming to the United States. It is my hope that the overwhelming—80 or 90 percent of the flow—flow could be in that direction because I think it is very important that they see firsthand how America functions. High school students would be able to have an experience that I think would last a lifetime.

I appreciate the support of the Members.

Mr. PELL. Mr. President, this is an excellent amendment. The USIA Program is currently underway to help graduates and undergraduates, but not younger people. This program is unique in that it helps high school students, and it is one that should be encouraged—and I hope supported by the Congress.

Mr. BRADLEY. I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from New Jersey.

The amendment (No. 905) was agreed to.

Mr. BRADLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I inquire what the business is at the present time.

The PRESIDING OFFICER. S. 1433, State Department authorization, is the pending business.

Mr. KERRY. Mr. President, I think the Senator is trying to figure out what the order is with respect to the amendment that he wants to speak to of Senator MOYNIHAN and Senator HELMS. We have, under the unanimous-consent agreement that we entered into earlier, agreed that there would be one-half hour allotted to that amendment with 10 minutes to the Senator from New York, 10 minutes to the Senator from North Carolina, and 10 minutes to the Senator from New York. I do not believe that any particular order was set out.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 896

Mr. D'AMATO. Thank you Mr. President. I wanted to ascertain if we were on the amendment that deals with the protection services that are offered as it relates to the Secretary of State and his discretion to use various protective services depending upon where and when.

Let us be clear about what this amendment will do. This amendment deals with reimbursement for the city of New York as it relates to its police and the extraordinary services that it provides. What does it provide? It provides services to the diplomats at the United Nations or the diplomatic missions, those protective services.

There are some who may say this is costing the taxpayers more money. They point out, for example, Mandela's visit to New York City. Is not that terrible, that all of these moneys are going to be spent and that New York City is going to be reimbursed?

Let us be clear about this amendment. If this amendment is passed, it will mandate higher costs for the taxpayers of the United States. Understand, if this amendment is passed it mandates higher costs for the citizens of the United States. The effect of this amendment will be to deprive the Secretary of State of the discretion to use the New York Police Department for protecting of dignitaries. He loses that option. When he loses that option, the dignitaries will still be afforded protection, as they are elsewhere. What happens? He will then have to use the Federal protective services. And the Federal protective services will cost the

taxpayers twice as much as what the New York City Police Department provides.

That is unfair to all our taxpayers. That is unfair to the while fabric of our community and what this country is about. If indeed the Secretary of State, this Secretary or any other future Secretary, can find more cost effective ways of protecting the diplomatic corps who reside at the United Nations, then let him do so. But let us not adopt this amendment that would wind up costing our taxpayers more money, provide less in terms of protection, give a duplicative kind of protection, and would fly in the face of what makes sense.

This amendment will raise the cost to taxpayers, not lower them. When you read them initially you might tend to think, why should we be giving money? We are giving money that is an extraordinary service that otherwise would have to be paid for by the Federal Protective Service. It is that simple. We should not cloud the extraordinary services rendered by New York City and its police force in behalf of the U.S. Government.

That is what is being done. It is not an ordinary service. Is it because it is in behalf of our Government that asks should we provide these services to the distinguished dignitaries to visit? I think so. I do not believe we want to say we have no responsibility. I think it will behoove us to give to the Secretary of State the ability to designate those. And obviously he is working with the protective services of this country in making that determination.

Mr. President, I see that our distinguished senior Senator is here. I have no need to speak to this further. I might point out that not only our senior Senator here brings with him the background in terms of governmental service as an ambassador, as special assistant to former President Johnson, and to former President Nixon, but also himself was the representative of this Nation at the United Nations. He was our Ambassador. As such I think he can talk with some particularity as to the pitfalls of this amendment and why it should be defeated.

I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The senior Senator from the State of New York is recognized.

Mr. MOYNIHAN. Mr. President, I thank my able and energetic colleague for having made this case so effectively. It is no wonder that almost 50 years into the experience of the United Nations such an amendment should come to the floor. The decision to locate the headquarters of the United Nations in the United States was an important statement at the time that the Secretary of State, the then Secretary, our revered George C. Marshall, signed an agreement between the United States and the United Nations known as the "headquarters agreement," having to do with the control of the administration of the United Nations as the largest diplomatic enclave in the world to be located in New York City.

President Truman sent this agreement to the Senate, and in it, he said very simply:

(July 2, 1947) The United States has been signally honored in the location of the headquarters of the United Nations within our country.

Naturally, the United States wishes to make all appropriate arrangements so that the organization can fully and effectively perform the functions for which it was created and upon the successful accomplishment of which so much depends.

For nigh onto half a century, the city of New York has assumed the responsibilities for the protection of diplomatic missions, visiting heads of state, visiting dignitaries from other countries, many of whom arrived in situations of great tension in the regions from which they come, and which it is our duty under the 1947 agreement to protect and provide the access to the city, to the United Nations, to their missions.

This has been done with extraordinary success, and in that near half century, we have never had an untoward event, not because no such event ever set out to happen, but because the New York City Police Department has learned their work.

No other such effort has ever been required—partially in Geneva, but not nearly. The New York City Police Department works intimately with the Secret Service, the FBI, with the police departments of other countries around the world, in its exceptionally efficient, unobtrusive, effective mode of carrying out the international responsibilities of the United States. How it could be questioned that we ought to do the simple task of reimbursing the city very modest sums, as my friend and colleague said, I do not know. If the city were to turn it over to the Federal Government, it would be an enormous cost. If we were to think of this in terms that you would counter on the Senate floor, we might make the case that there could be worse things for the economy of New York than to have 10,000 Federal protective officers stationed there. It would not be very helpful to the U.S. budget. But that is the alternative.

Should the President or the Senate think that is a desirable one, they can look at it. But we do not. We have a simple provision. The chairman of the Committee of Foreign Relations, who is present, at the founding of the United Nations, our revered chairman, Senator PELL, stands behind this simple measure.

It is not troubling that it is here on the floor; it is disappointing. I cannot but suppose it will be resoundingly the judgment of the Senate to support the committee, support the chairman, to carry out this elemental duty which we undertook in 1947, with George C. Marshall as Secretary of State, and Harry S. Truman as President of the United States.

I cannot imagine the need to prolong this debate, and I yield back the remainder of my time.

The PRESIDING OFFICER. The remaining time on this amendment is controlled by the Senator from North Carolina.

Mr. HELMS. addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, may we have order?

The PRESIDING OFFICER. There will be order in the Chamber.

Mr. HELMS. Mr. President, I do not blame the Senator from New York for trying to bring home the becon. But the problem is, this money is coming out of the hides of all of us in the other 49 States, and it is setting a precendent that I am not sure this Senator wants to set.

The city of New York wants the taxpayers all over the country to pick up the tab for a security function provided by the New York City Police Department. It is as simple as that. Nelson Mandela—let us be blunt about it—came to this country, and he went to New York, and he went to other States. But no other city has come trotting to Washington, DC, or has sent their Senators, to say: look, you help us pay for a function that we are supposed to pay for ourselves.

There is only one purpose of the language of my amendment that is pending at the desk. My amendment would strike the language in the bill which is intended to pay millions of dollars to New York City for security provided for Nelson Mandela's visit to New York City in June of 1990.

Nelson Mandela is a private citizen. He has no diplomatic status. He is not a head of state, nor was he visiting any U.S. Government premises. I told AL D'AMATO a few minutes ago that I understood, and I think he understands the way I feel about it. I said the same thing to my friend, PAT MOYNIHAN. But this is a little much.

Nelson Mandela traveled throughout the United States. He visited many cities. All of these cities and State jurisdictions provided security for him. And I repeat: They have not sent their Senators trotting to Washington, DC, to say: Bail us out.

I do not think this provision ought to be in there. Why should New York be any different from the other cities? Why should the taxpayers of North Carolina and the other 49 States have to pay for costs incurred by New York City for a private visit by a private citizen of another country?

Of course, Mr. Mandela visited the headquarters of the United Nations,

but he did not visit any diplomatic mission—the equivalent of an Embassy—at the United Nations.

If a head of state visits the United Nations, U.S. law provides that the United States pays for security as part of the cost of diplomacy. If a foreign minister visits the United Nations, the United States pays. But Mr. Mandela, despite his broad notoriety, is not a diplomat. He is a private citizen; I reiterate that for the purpose of emphasis.

Moreover, New York City is asking millions of dollars in Federal funds, funds paid by the taxpayers all across this country, for his visit to Yankee Stadium. That is hardly a cost associated with the United Nations.

Mr. President, by broadening the law to include visits in the future by private citizens to the United Nations, do you not see that this bill opens the door to future extravagances of this kind? A precedent is a precedent. This is why I am seeking to strike the provision in the bill which will result in us the future years, in paying millions upon millions of dollars from the taxpayers' funds for governmental functions of the city of New York.

The taxpayers of the United States should not have to pay any local expenses of New York City.

Furthermore, I wonder who is paying for Mr. Mandela's security down in Cuba? But Nelson Mandela just went down there and worshipped at the shrine of Fidel Castro.

In any case, this is not a good precedent for this Senate to set. There may be the votes cast out of friendship and sympathy for New York City. New York City is all right. I like to go there occasionally, but I would not like to live there. But I say to you, Mr. President, we should not set this precedent.

I reserve the remainder of my time, which is how much?

The PRESIDING OFFICER. The Senator from North Carolina has 4 minutes and 48 seconds.

Mr. HELMS. I thank the Chair.

Mr. President, I am prepared to yield back my time. Has all time been used except mine?

The PRESIDING OFFICER. Neither Senator from New York used all his time. The senior Senator has 4 minutes and 46 seconds remaining.

Mr. MOYNIHAN. Mr. President, I yielded back my time and I intended to do so for the distinguished junior Senator from New York. So on this side we have no further time.

Mr. HELMS. I am perfectly willing to yield back the remainder of my time provided Senator D'AMATO does the same.

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

Mr. HELMS. Very well.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, it is my understanding all time now is yielded back. It is my understanding the leader still intended to set a time for this vote some time in the future.

The PRESIDING OFFICER. The order does provide for that, that is correct.

Mr. KERRY. Mr. President, we are proceeding at a very good clip here. We have every few amendments left on the list.

I might just share with colleagues a sense of where we are. We are waiting for Senator SMITH, who has some language that I think he is trying to work out. Senator ROTH has an amendment. Senator LEVIN has an amendment. Senator GORTON has an amendment on Yugoslavia.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. KERRY. I am delighted to yield.

Mr. HELMS. Why do not we each of us have our respective cloakrooms check the Senators who have amendments outstanding and see if indeed they are going to offer the amendments so that we will have a clearer picture? I think we ought to move to third reading as soon, as we can.

Mr. KERRY. I think that is a good idea. We checked with some of them. A number of these amendments have gone away in the last few minutes. We are down to the Senators I think I named. I think the Senator from North Carolina has a good idea. If we run a check through both cloakrooms, we can have a sense and we could go to third reading in short order. I know both leaders hope very much we could do that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HELMS. May I inquire if the yeas and nays have been requested on final passage?

The PRESIDING OFFICER. They have not.

Mr. HELMS. I request the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair, and I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 906

(Purpose: To provide State Department personnel with compensation for loss of personal property incident to service)

Mr. KERRY. Mr. President, I will shortly send an amendment to the desk which is agreed to on both sides, I believe.

This is an amendment which instructs the Department of State to report back to the Congress in 90 days with a plan to try to provide additional compensation for State Department employees who suffer personal property losses incident to their service overseas. Currently, those losses are covered only up to an amount of $40,000. With events in the world and the kind of situations that employees of the State Department have been subjected to in recent years, those losses often are much greater than that amount. One can imagine the price of a car nowadays and a few personal belongings and you quickly have gone over that kind of price.

So what we hope is that the State Department would submit a notion of how we might be able to extend that coverage for those who are subjected to those kinds of situations.

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 906.

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

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

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. .

Not later than 90 days after enactment of this Act, the Department of State shall submit to the chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives, a report on the need for the establishment of a mechanism to compensate employees of the Department of State who have legitimate claims resulting from loss of personal property under circumstances set forth in Military Personnel and Civilian Employees Claims Act of 1964, as amended (31 U.S.C. 3721c), and whose losses exceed the amounts covered in such Act. This report shall include legislative recommendations, if necessary, to implement these recommendations. Losses covered by this report shall include legitimate claims for losses incurred in Mogadishu, Somalia.

Mr. HELMS. Mr. President, the amendment is entirely acceptable on this side.

The PRESIDING OFFICER. The question is on agreeing to amendment number 906.

The amendment (No. 906) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. KERRY. Mr. President, I do not know if the Senator from Arizona has an amendment he is about to proceed with.

Again I would say to colleagues, those who are on the list, we are down to the last Senators who are on the list. I know the leaders were just out on the floor. The hope is that we will go to third reading very shortly. There are a couple of votes that are backed up.

AMENDMENT NO. 907

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. KERRY, and Mr. SMITH, proposes an amendment numbered 907.

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

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

The amendment is as follows:

Beginning on page 119, line 20, strike all through page 121, line 9, and insert in lieu thereof the following:

SEC. 621. POLICY ON RELATIONS BETWEEN THE UNITED STATES AND VIETNAM AND CAMBODIA.

(a) FINDINGS.—The Congress finds that—

(1) it is United States' policy to promote democracy and open, competitive markets in a world community increasingly receptive to such ideals;

(2) the presence of American citizens, media, and commodities helped to foster the emergence of democracy and free market systems within East European nations and among East European citizens in their struggle against Communist rule;

(3) it is a priority of United States policy to resolve finally the nearly 2,300 missing-in-action (MIA) and prisoner-of-war (POW) cases from the Vietnam war;

(4) direct contact with, and increased access by American citizens in Vietnam through humanitarian and business endeavors could serve to assist in the resolution of POW/MIA cases through increased access to Vietnam;

(5) the Cambodian people confront a continuing threat from the Khmer Rouge and a severe economic crisis including shortages of food, fuel and fertilizer; and

(6) the United States has maintained a complete economic embargo against Vietnam and Cambodia since April 1975, prohibiting all United States financial transactions involving citizens of Vietnam;

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) the goals of United States policy in Vietnam and Cambodia would be advanced by fully normalizing relations diplomatic and economic with Vietnam and Cambodia;

(2) the scope and pace of relations are affected by Vietnam's cooperation in achieving the fullest possible accounting for Americans still classified as missing-in-action (MIA) or prisoner-of-war (POW) in Southeast Asia, by Vietnam's cooperation in achieving a peaceful political settlement of the Cambodian conflict and by the release from reeducation camps of former political and military officials of South Vietnam and Vietnamese who were formerly in the employ of the United States; and

(3) cooperation includes the Government of Vietnam's agreement to grant full and complete access to the United States Joint Casualty Resolution Center Teams in Hanoi, Vietnam for the investigation of all American prisoner-of-war discrepancy cases, to grant access to the United States upon the specific request of the United States to certain prison and reeducation facilities in Vietnam which may pertain to the fate of American prisoners-of-war, to provide the United States with full and complete access to historical records which may pertain to American prisoners-of-war and missing-in-action in the Vietnam War, and to a time table for the excavation of all remaining crash sites in Vietnam which may pertain to United States military personnel unaccounted for in the Vietnam Conflict era;

Mr. MCCAIN. Mr. President, it is my understanding that this amendment has been cleared by both sides.

Mr. HELMS. I would say to the Senator we probably will, but I have not seen it. May I have a copy?

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

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

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as if in morning business?

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

CHINA MFN ACTION PLAN

Mr. BAUCUS. Mr. President, last week, the Senate had a spirited debate on extension of most-favored-nation status to China.

The Senate was divided over whether MFN was the right tool for expressing our concerns over Chinese behavior.

But the Senate was unanimous that Chinese behavior was unacceptable. We all expressed deep concern over China's abuse of human rights, sales of weapons, and trade practices.

Just before the debate began in the Senate, the President transmitted to me a letter detailing a number of steps he planned to address on our concerns with China. In return he urged the Senate not to impose new conditions on the extension of MFN to China.

Many Senators—including myself—were impressed by the President's letter and voted to extend MFN without conditions.

But now the burden is on the President to fulfill the commitments he made in his letter.

Over the next few weeks, the issue of extending MFN to China is likely to be before the Senate again when the Senate considers the conference report and the likely Presidential veto.

As I decide how to vote on those questions, I will be looking for evidence that the President has at least begun to implement his commitments.

Beyond that, if substantive progress has not been made by the time MFN must be reconsidered next year, Congress is unlikely to extend MFN without conditions.

Mr. President, I would like to review briefly the steps I expect the President to take with regard to China.

HUMAN RIGHTS

All Senators are deeply concerned about Chinese abuses of human rights.

In his letter, the President indicated that he planned to continue diplomatic efforts aimed at freeing political prisoners in China. We must see concrete evidence that these efforts are making progress.

The President also indicated that he plans to continue a policy of opposing multilateral loans to China that do not serve basic human needs and continue sanctions put in place after Tiananmen Square.

In my view, fulfilling this commitment will require more than simply going through the motions of opposing multilateral lending. We must also actively lobby the other members of the World Bank to support our position.

The most substantive commitments made with regard to human rights concern stopping importation of Chinese goods made by prison labor. Morally, we simply cannot allow goods produced by Chinese political prisoners to be imported into the United States.

In the letter, the President announced that he had directed the Customs Service to prohibit entry of entire classes of goods suspected of having been produced by prison labor.

This prohibition will continue until the Chinese sign an agreement to cease export of these goods to the United States or demonstrate that the goods in question are not produced by prison labor.

In my capacity as chairman of the International Trade Subcommittee of the Senate Finance Committee, I plan to work with Customs Service and human rights groups to see that this commitment is fully and vigorously implemented.

MISSILE AND NUCLEAR PROLIFERATION

The President also outlined an ambitious plan for halting Chinese exports of missiles and nuclear material.

The centerpiece of the President's plan was to press the Chinese to adhere to the Nuclear Nonproliferation Treaty and the missile technology control regime. In this regard, the Chinese did

agree during a recent round of talks in Paris to work with other major countries to prevent exports of missiles and nuclear materials to the Middle East.

In the coming months, I will be looking for further concrete evidence of progress on these issues.

Certainly, if the Chinese were to transfer dangerous missiles to the Middle East or other unstable regions, I expect the President to immediately impose severe sanctions on China.

TRADE

As chairman of the International Trade Subcommittee, I am particularly concerned with China's unfair trade practices.

As the administration has noted, China has engaged in a long list of unfair trade practices, including circumventing textile trade agreements, pirating United States intellectual property, and blocking United States exports to China.

With regard to circumvention of textile agreements, the administration has already this year charged $85 million worth of penalties against China's textile quota. The President noted that further charges would likely be made within a matter of days.

With regard to piracy of intellectual property, the administration—at my request—named China as a priority foreign country under the Special 301 provisions of the 1988 Trade Act. In accordance with the law, a Special 301 investigation was initiated against Chinese piracy in May.

The initial deadline for the investigation is November 26. If the Chinese do not agree to cease piracy of United States intellectual property, I expect the administration to implement the law and retaliate against Chinese exports to the United States.

The most important deadline in the President's letter arrives next month. Chinese trade barriers block as much as several billion dollars' worth of United States exports annually. To respond to those barriers, the President wrote:

> The administration has proposed holding another round of market access consultations in August, 1991. If that round of negotiations fails to yield substantial commitments from the Chinese authorities to dismantle market access barriers, the Administration will self-initiate Section 301 action to address those barriers * * *.

Unless the August consultation yields an agreement to eliminate all major Chinese trade barriers, I expect the President to launch a major Section 301 investigation at Chinese trade barriers.

I realize that this investigation is likely to be the largest of its kind ever initiated and could result in retaliatory tariffs being imposed on hundreds of millions and perhaps billions of dollars worth of Chinese goods. Nonetheless, Chinese trade barriers can no longer be tolerated and I expect the President to fully live up to his commitment.

TAIWAN

Finally, in part as a general demonstration of our general displeasure with China, the President committed to support actively Taiwan's application to join the GATT.

Although it is clearly in the interest of the United States and the world trading community for Taiwan to join the GATT, the administration had previously blocked such a move because of pressure from China.

To implement the commitment to support Taiwan's application, I expect the administration to put the topic of Taiwan's application on the next GATT Council meeting.

CONCLUSION

The President and I have both argued that present law gives him all of the tools he needs to respond to our concerns with China.

Now, he has the chance to prove his case.

Over the coming weeks and months, we will be comparing the administration's actions against the commitments made in his letter. Our level of scrutiny will be high.

If the President and the Chinese expect the Congress to continue to extend MFN without conditions, the President must vigorously fulfill his commitments.

If he fails to, there can be little doubt that the Congress will attach conditions to further extensions or cut off MFN for China entirely.

Mr. President, I thank the Senator from Massachusetts, the Senator from Rhode Island and others, and yield the floor.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 907 WITHDRAWN

Mr. McCAIN. Mr. President, there has been a slight modification of the amendment I previously offered. I ask unanimous consent to withdraw the amendment I had previously submitted for consideration.

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

The amendment (No. 907) was withdrawn.

AMENDMENT NO. 908

Mr. McCAIN. Mr. President, for myself, Senator KERRY, and Senator SMITH, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself, Mr. KERRY, and Mr. SMITH, proposes an amendment numbered 908.

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

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

The amendment is as follows:

Beginning on page 119, line 20, strike all through page 121, line 9, and insert in lieu thereof the following:

SEC. 621. POLICY ON RELATIONS BETWEEN THE UNITED STATES AND VIETNAM AND CAMBODIA.

(a) FINDINGS.—The Congress finds that—

(1) it is United States' policy to promote democracy and open, competitive markets in a world community increasingly receptive to such ideals;

(2) the presence of American citizens, media, and commodities helped to foster the emergence of democracy and free market systems within East European nations and among East European citizens in their struggle against Communist rule;

(3) it is a priority of United States policy to resolve finally the nearly 2,300 missing-in-action (MIA) and prisoner-of-war (POW) cases from the Vietnam war;

(4) direct contact with, and increased access by American citizens in Vietnam through humanitarian and business endeavors could serve to assist in the resolution of POW/MIA cases through increased access to Vietnam;

(5) the Cambodian people confront a continuing threat from the Khmer Rouge and a severe economic crisis including shortages of food, fuel and fertilizer; and

(6) the United States has maintained a complete economic embargo against Vietnam and Cambodia since April 1975, prohibiting all United States financial transactions involving citizens of Vietnam;

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—the goals of United States policy in Vietnam and Cambodia would be advanced by fully normalizing regulations diplomatic and economic with Vietnam and Cambodia provided that;

(2) the scope and pace of relations with Vietnam are affected by Vietnam's cooperation in achieving the fullest possible accounting for Americans still classified as missing-in-action (MIA) or prisoner-of-war (POW) in Southeast Asia, by Vietnam's cooperation in achieving a peaceful political settlement of the Cambodian conflict and by the release from reeducation camps of former political and military officials of South Vietnam and Vietnamese who were formerly in the employ of the United States; and

(3) cooperation includes the Government of Vietnam's agreement to grant full and complete access to the United States Joint Casualty Resolution Center Teams in Hanoi, Vietnam for the investigation of all American prisoner-of-war discrepancy cases, to grant access to the United States upon the specific request of the United States to certain prison and reeducation facilities in Vietnam which may pertain to the fate of American prisoners-of-war, to provide the United States with full and complete access to historical records which may pertain to American prisoners-of-war and missing-in-action in the Vietnam war, and to a time table for the excavation of all remaining crash sites in Vietnam which may pertain to United States military personnel unaccounted for in the Vietnam conflict era;

The PRESIDING OFFICER. Is there objection to the consideration of the amendment? The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I know that many Senators feel very strongly about resolving the issues that separate the United States and Vietnam, and I appreciate their efforts to focus attention on this question. Senators KERRY, SMITH, and I are offering this amendment so that the Senate might go on record as observing the important connection of these issues to the development of a new relationship with Vietnam. I want to thank my friend from Massachusetts, and my friend from New Hampshire for joining me in spnsoring this amendment, which I believe represents the interests of all Americans.

Mr. President, George Washington, in his farewell address, advised his country to "cultivate peace and harmony" with all nations. "The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and interests."

We would be wise to recall Washington's advice as we measure our grievances with Vietnam against our interests in a new relationship. It is not in the interests of the United States to remain forever estranged from Vietnam. Yet neither is it in the interests of the United States to risk the resolution of questions with which the American people are gravely concerned by prematurely developing normal diplomatic and economic relations with Vietnam.

It may strike some Senators as ironic that so many years after the end of the Vietnam war, normal relations with Vietnam could be considered premature. I share with many Americans a desire to close the final chapter of that war and enter into a new relationship with our old adversary. However, our primary obligations are clear, and they must govern our relationship until they are fulfilled.

We are first and foremost obligated to the 2,273 Americans who are still classified as missing in action or prisoner of war in Southeast Asia, and their families.

We are obligated to the Cambodian people who have been mired in abject misery from war and deprivation for decades. We are obligated to the former officials of South Vietnam, and to former Vietnamese employees of the United States who still linger in reeducation gulags. We are obligated to the people of Vietnam who still suffer under political repression while other peoples around the world are entering into a new dawn of freedom.

These questions are, and must remain the primary occupation of the U.S. Government. We need not sacrifice either our obligations or our interest in a new relationship with Vietnam. We need only understand that if the wounds of war are indeed to be resolved by a new relationship with Vietnam, that new relationship will have to be marked by respect and comity. Without resolving the questions that still separate us we will not achieve that kind of relationship, and the memory and the pain of war will remain.

I thank Senators for understanding this truth. I look forward to working with my colleagues to secure the fullest possible accounting of American POW's and MIA's, to helping bring peace to the people of Cambodia, to securing the release of Vietnamese political prisoners, and to beginning a new relationship with the people of Vietnam.

I want to again thank my colleague from Massachusetts and my colleague from New Hampshire. All of us have differed from time to time as to exactly the proper route that we should take to closing the final chapter of this painful and unpleasant memory to most Americans. At the same time, I share the same goal with the Senator from Massachusetts and the Senator from New Hampshire: to resolve these issues in a way that allows us to move forward in peace and harmony with the Vietnamese people and, thereby, ease the wounds and the pain that still afflicts this Nation concerning the era that we called the Vietnam war.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from Arizona for his amendment and also for his comments.

The Senator from Arizona spoke about the memories and the pain of the experience and, indeed, the horror of them. There is no Member of the U.S. Senate who on a day-to-day basis carries, I think as much of the daily reminder of that as the Senator from Arizona whose experience is really an extraordinary one.

When I had the chance to be part of a delegation and fly over to Saudi Arabia and to Iraq shortly after the war, I had a chance to get to know the Senator better. I must say, listening to his descriptions of what it was like when he was held as a prisoner in Vietnam and listening to his description of how he survived that crash and, indeed, the experience itself, it was really quite extraordinary.

So there are few people in the Senate who can obviously speak with the kind of credibility and with the directness as can the Senator from Arizona.

The amendment, I think, will assist in the process of making very clear what the Senate's view is with respect to the linkage of the MIA/POW issue and other issues to the considerable discussion that has been going on about economic ties, and so forth.

Again, I reiterate that this Senator does not believe there should be a full normalization or diplomatic ties with the issues outstanding that the Senator from Arizona has discussed. On the other hand, I think there are a number of us in the Senate who believe that moving more rapidly to engage in certain economic exchanges will facilitate the achievement of those goals.

When I was in Hanoi about a month ago, I met with the Swedish, French, Australian, British, and German Ambassadors. We had about a 2-hour lunch during which every single one of them spontaneously looked at me and said, "Why are you people not over here? Why do you not have your people on the ground in this country? You would be learning more, you would know what is happening. If you are really concerned about MIA's and POW's, what better way to roam the countryside as we do and learn and find out whether or not it is possible there is somebody out there?"

I think any of us know that just in the norms of human exchange that if we are there in that kind of capacity, the chance just to have a dinner or drink a beer or sit across a table from somebody, get to know them, have a relationship builds trust and it builds the capacity to be able to garner information.

It seems to me that if we want to have somebody find out whether 5 years ago or 10 years ago they saw an American being held in captivity or whether recently they have seen somebody in the country, you could not speed up the process more than by having some people on the ground who are beginning to do that, in addition to the very competent personnel who have been over there as part of the joint team who are searching for people.

But there are so many doubts right now. There is such a credibility gap that nothing would do more than to try to reestablish credibility and to have people there who without any governmental position or without any kind of formality in their relationship could begin to let us know what is happening.

So, Mr. President, I think this is a good amendment because it sets out the POW/MIA issue critical to all of us in this country and must be resolved. The issue of Cambodia is vital to all of us and must be resolved as an important part of that affecting the pace, though not obviously the totality of the relationship.

Finally, Mr. President, the question of reeducation is as integral to our thinking on these matters because it is a matter of human rights and it is the kind of thing that the United States has just asserted with respect to China and ought to be asserted with respect to any country that refuses to treat its citizens with the kind of decency that

those of us in the free world are too easily able to take for granted.

Mr. President, I think this is a good amendment.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, first of all, let me indicate to my two learned colleagues that I have the deepest respect for the personal experience both these Senators have had in Vietnam and I rise as a former chairman of the Veterans' Committee who has had the honor of holding some 40 hours of hearings, along with the senior Senator from California [Mr. CRANSTON] with regard to the MIA/POW issue.

I, too, have expressed a significant degree of frustration associated with that process. As a consequence, Mr. President, I think it is appropriate to recognize specifically what we are doing in this statement of policy. The Foreign Relations Committee voted 12 to 1 for specific language with regard to the policy of the United States with regard to Vietnam.

I think at this time, Mr. President, it is important to point out a specific statement of policy of the action taken by the Foreign Relations Committee:

It is the sense of the Senate that the goal of the United States policy in Vietnam would be advanced by increasing access to Vietnam and by the expeditious removal of the trade embargo against Vietnam.

The amendment that has been proposed by my good friend from Arizona addresses it in a specific statement as follows:

* * * in Southeast Asia, by Vietnam's cooperation in achieving a peaceful political settlement of the Cambodian conflict and by the release from reeducation camps of former political and military officials of South Vietnam and Vietnamese who were formerly in the employ of the United States. * * *

Indeed, Mr. President, we have a distinction. The distinction is in the original action taken by the Foreign Relations Committee. We were not trying, if you will, for a commitment of a resolve of the Cambodian conflict. In the action taken initially by the Foreign Relations Committee, we were interested in the question of access. In other words, can we resolve at least a portion of the questions that remain with regard to Vietnam by access?

Mr. President, I ask unanimous consent to print in the RECORD a letter from Foreign Minister Thach relative to the matter of access because I think it is germane to this deliberation and discussion and should be in the formal records of the U.S. Senate.

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

HANOI, *June 25, 1991.*

HON. FRANCIS H. MURKOWSKI,
U.S. Senate, Washington, DC.

DEAR SIR: I have received your letter dated 18th June 1991 and highly appreciate your efforts as well as those of your colleagues to improve relations between our two countries. As you know, the Government of the Socialist Republic of Vietnam consistently looks upon the question of MIA as a humanitarian issue not to be linked with any political condition. Therefore, while hundreds of thousands of Vietnamese missing-in-action still remain unaccounted for, the Vietnamese Government has been doing its utmost to alleviate the suffering of American MIA's families. Also for that reason, we have never put any specific restrictions on U.S. specialists as well as politicians, American people and MIA families themselves coming to Vietnam to look for American MIAs.

From September 1989 to March 1991, hundreds of trips were made to 28 provinces, from North to the South, from deep jungles to the islands by U.S. specialists who freely interviewed many people from common people to high-ranking officials, all this in spite of the fact that the U.S. Administration still pursues a hostile policy toward Vietnam as shown in its continued embargo against Vietnam and restrictions put on SRV visitors' travel inside the U.S.

In order to promote an early solution to the MIA issue, at the U.S. Government's request SRV Government has recently agreed to the establishment of a U.S. MIA office in Hanoi. Specialists from both sides have drafted regulations on this office's operation and are waiting for approval from the two governments so that the office can soon begin to function officially.

On May 5th 1991, at Senator John Kerry's request the Vietnamese side agreed to grant permits for U.S. veterans organizations to set up a U.S. MIA liaison office in Hanoi and to allow American MIA families to come to Vietnam to join in the search for the MIAs. The Vietnamese side welcomed this initiative and made it clear that, for Americans sent to Vietnam for the legitimate purpose of looking for MIAs, Vietnam will create favorable conditions such as speedy entry and exit visa formalities according to international practice and granting of permits to facilitate travel anywhere in Vietnam.

The Vietnamese side holds that both sides, Vietnam and the U.S., have no interest in prolonging the moral wounds of war. On the contrary, both Vietnam and the U.S. need to settle the MIA issue as best and as fast as possible. The Vietnamese side is looking forward to concrete steps by the U.S. in consonance with this desire.

Yours Sincerely,

NGUYEN CO THACH,
Minister for Foreign Affairs, Socialist Republic of Vietnam.

Mr. MURKOWSKI. Mr. President, really, what we are doing by this action, is we are linking a Cambodian resolve instead of, in the opinion of the junior Senator from Alaska, the necessity of recognizing in the past 14, 15, 16 years the linkage simply has not worked and the merits of delinking, I think, deserve consideration. In addition, the highest priority is to resolve the MIA/POW issue, and that has not been resolved either.

The question arises from the Senator from Alaska, this could be best done by access—in other words, taking advantage of the current position of the Government of Vietnam with regard to access as opposed to what it was previously.

I recall in 1986, visiting Vietnam, and when the question of access came up and the question of the MIA/POW's and many unanswered questions, the response was simply, well, Senator, you have to take our word for it; we are a sovereign country.

That is no longer the case with regard to Vietnam. The Vietnamese have offered us access. The question of whether it meets our criteria is something else. But what is our criteria? Is it to have a humanitarian organization have access to Vietnam to satisfy ourselves? I do not think so necessarily, Mr. President. But certainly this Government has the sophistication; it has the knowledge to send in, if, indeed, the Vietnamese Government is willing to allow it—I think they would be hard pressed not to. It would certainly put them to the test—a group that would satisfy ourselves as to the expertise, the intelligence capability, and so forth, to have access to that country and address the issue that is utmost on our minds, and that is the MIA/POW issue.

What we are doing by this action is restating our policy of previous years that simply ties it into a Cambodian settlement.

I would like to see a Western presence in Vietnam because I think a Western presence would go a long way toward establishing, if you will, significant influence not only in Vietnam but as a consequence to bring in pressures, bring in Western influence, which could very well resolve the Cambodian dilemma.

As we address the amendment, I think we see the McCain amendment seeking to amend the underlying language which was offered in the committee by Senator KERRY and myself and that vote of 12 to 1. That language states the United States policy goals would be furthered by reaching an agreement with Vietnam that would result in ending our trade embargo against Vietnam. The POW/MIA issue, as I have stated before, continues to be our highest priority. But I believe that objectives outlined in the amendment could best be achieved more quickly by the question of having access to Vietnam and asking for it.

Over the last 4 years or so a mission headed by General Vessey has been working with Vietnam to fully resolve the outstanding POW/MIA cases, and since this dialog began they have had more progress in the issue than certainly at previous times, yet we have a long way to go.

I do not intend to oppose the amendment, as I indicated to my friend from Arizona, but I would like to inform my colleagues that I have introduced this topic of access previously with regard to a resolution of our Vietnam situation. I think it certainly deserves credit.

What we are attempting to do is, of course, design a roadmap, and without

access I still think we are dealing from a point of isolation rather than access.

If we go back to the original intent of the Foreign Relations Committee action, Mr. President, it was mandated that before there could be any of the considerations associated with any type of communication with Vietnam, it would depend on progress on the POW/MIA issue. It was again questioned as to what kind of a group would satisfy us or whether it would take many trips. But the question again was let us try access for a change; full access to the country will help get greater results. If we want to scour the countryside, then let us do it. The Vietnamese must authorize full access and unlimited travel. As I have indicated, that has been proposed by the Vietnam Government. To my knowledge, we have not taken them up on it.

Let us not also forget, Mr. President, we have already moved the goalposts. You recall when the position and the policy of this Nation was that we demand as a condition for any relationship of any kind the withdrawal of troops from Cambodia. That was basically done in 1989. Now we have moved the goalposts by demanding that the Vietnamese produce a Cambodian settlement. That is just what we are doing in this policy in which we are now about to move.

So I do not think that the focus should shift. I really feel that there is a movement in this direction. Our policy is shifting to some extent from a resolve of the MIA/POW issue to a question of resolve of the Cambodian issue. I think the POW/MIA issue should remain utmost in our mind.

Mr. President, we are not talking under any terms and circumstances of normalization. There is no diplomatic recognition. We would utilize the legation in New York for our contacts. But, Mr. President, there is no United States presence currently in Vietnam. There is Korean. There is French. There is Japanese. They are doing business there.

The point of United States influence, United States presence in that part of the world by United States legitimate business in a nonstrategic trading opportunity I think deserves merit because, again, Mr. President, I think our influence can assist not only in a resolve of the ultimate Cambodian situation, but by having access into the country I think we can address what is utmost on the minds of all of us, and that is the simple question and the very emotional question of resolving the issue of the MIA/POW's.

Mr. President, I certainly recognize the sensitivities as expressed by my colleagues who, as I have stated, have a very personal consideration in this. But I think it is important to point out that we are basically moving into a policy conforming to the dictates of the administration where we simply tie in a Cambodian settlement to any consideration of any type of lower level relationship with Vietnam.

Mr. President, the Senator from Alaska is not convinced that is the quickest and best way to resolve the MIA/POW issue. The Senator from Alaska is convinced we should ask the Vietnamese for access into that country, well thought out, by a group we feel has the capability and let us scour the countryside and get this issue behind us once and for all. Unfortunately, I do not think we are doing that by this action.

Mr. KERRY. Mr. President, the distinguished minority leader is waiting to proceed with an amendment, so I will just take one quick minute.

I say to my friend from Alaska, who has worked closely with me on this, this Senator does not view this amendment as moving away from the policy which he has just described and with which I still agree. I think the wording, which is what we have worked on in the course of the day, those of us who do believe we could proceed faster by moving more rapidly on the economic front, let's do so. It does not deny it exists. It simply says the scope and pace of relations will be affected by it. But you can still operate under the economic leading toward the future.

On the other hand, for those who disagree with that, there is room enough to make the argument that this does not make an affront to their view. I think it is a happy compromise and I think we continue to push.

Mr. HELMS. The amendment as modified is acceptable on this side.

Mr. KERRY. Mr. President, the amendment is acceptable on this side.

Mr. DURENBERGER. Mr. President, I rise to comment briefly on the United States trade embargo toward Vietnam and Cambodia and our relations with those countries.

There are clearly differences among Senators on how best to proceed regarding these matters. There are no differences, however, in the objectives we all seek. Eventual normal trade and diplomatic relations with Vietnam and Cambodia; settlement to the Cambodia conflict; and as great as possible resolution of the POW/MIA questions. We all share these objectives. These are only differences on how to achieve them.

Yes, the trade embargo has its costs—on us and the target countries. But the embargo gives us critical leverage over Vietnam in areas of extreme importance to this country: a comprehensive settlement to the Cambodia conflict and the fullest possible accounting of our POW's/MIA's in Indochina.

The recent party congress in Vietnam seems to confirm that the conservative Communist leadership is firmly in control, and that they are unwilling to share any political power. They may bring non-Communists into the cabinet, but I am not persuaded at this point that they would have much power.

There are noteworthy indications, however, that the Communist leaders are in fact willing to work much more cooperatively with the United States on the Cambodia settlement and POW/MIA matters.

At a time when they are edging toward us, it does not seem prudent to relieve too much pressure. There are indications that the party leadership has a strong desire for the United States to lift the embargo in order to provide the impetus and fuel for a huge economic recovery and expansion.

It seems to this Senator that we should maintain the pressure of the embargo in order to encourage greater compromises not only on Cambodia and the MIA's, but also regarding democratization and market liberalization in Vietnam. We have very few good cards in our hands regarding Vietnam. The embargo is certainly one of them. We should not cast it aside too lightly.

Yes, there is an argument to be made for shifting from the stick to the carrot in our relations with Vietnam. But such a shift should not be made primarily based on economic and business motivations. Let us not abandon a policy that the Bush administration has worked hard to develop and implement, and one that has great potential for success.

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

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

The amendment (No. 908) was agreed to.

Mr. HELMS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Republican leader is recognized.

AMENDMENT NO. 909

Mr. DOLE. Mr. President, I send an amendment to the desk for myself and the distinguished Senator from Rhode Island [Mr. PELL] and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE.], for himself and Mr. PELL, proposes an amendment numbered 909.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following section:

SEC. . PROVISION FOR DIRECT UNITED STATES ASSISTANCE TO AND TRADE RELATIONS WITH DEMOCRATIC GOVERNMENTS AT THE REPUBLC LEVEL.

An essential purpose of the United States foreign assistance is to foster the development of democratic institutions and free enterprise systems. Stabel economic growth, fostered by free enterprise and free trade, is also important to the development of democratic institutions. In regard to those nations which are in transition from communism to democracy, it is the policy of the United States, to the extent feasible and consistent with United States national interest, to provide foreign aid to, and to encourage expanded trade with, democratic governments at the republic level that exist within countries which include a ruling communist majority in other republic governments and/or at the Federal level.

Mr. DOLE. Mr. President, last week during Senate consideration of the fiscal year 1992 foreign aid authorization bill, the Senate passed a provision expressing Senate support for democratic republics in the Soviet Union. This amendment builds on that principle and extends it to the Democratic Republics of Yugoslavia.

This amendment makes it the policy of the United States to support those democratic republics directly—through foreign aid and trade relations. At the present time, United States policy provides only for assistance to, and trade relations with, the Soviet and Yugoslav central governments. Under the present system, we have only two options: to support these central governments or withhold support to these central governments. What we don't have as an option, is direct support to the freely-elected democratic governments at the republic level within the Soviet Union and Yugoslavia. As all of my colleagues know, while there are some reformers in both the Soviet and Yugoslav central governments, these are not elected, democratic governments—they are Communist governments. And, as we have seen in the Baltics, in Kosova, and most recently in Slovenia and Croatia, these are governments which still resort to violence against democratic movements, democratic republic governments and their citizens. Therefore, the real hope for democracy's ultimate victory in the Soviet Union and Yugoslavia is the survival and growth of democratic republic governments.

I believe that this amendment will substantially strengthen, as well as implement—in the Soviet Union and in Yugoslavia—the principles upon which United States foreign assistance is based, namely the development of democratic institutions and free enterprise systems. This amendment will let us put our money where our mouth is, it will be possible now to back our rhetoric in support of democracy with tangible support.

Mr. President, we know who the true democrats are, and where they are. What's left to do is to support them, so that they will not be crushed under the weight of Communist central governments. This amendment offers new hope for these fledgling democratic republic governments which are still struggling against communism. I urge my colleagues to support this amendment.

I think this amendment has broad support on both sides of the aisle. I know of no objection to the amendment.

Mr. KERRY. Mr. President, there is no objection on this side.

Mr. HELMS. There is no objection on this side, Mr. President.

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

The amendment (No. 909) was agreed to.

Mr. HELMS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, may I inquire of the managers of the bill whether they are prepared to deal with the amendment that I have given them copies of at this point?

Mr. KERRY. Mr. President, I believe if the Senator from Washington is going to proceed with the language as we discussed, we are prepared to move forward.

AMENDMENT NO. 910

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 910.

At the appropriate place in the bill, insert the following:

Findings:

All individuals are endowed with the unalienable rights of Life, Liberty, and the pursuit of Happiness;

The powers of government are derived from the consent of the governed;

It is the role of government to protect and foster these rights;

It is the duty of the people to abolish governments destructive of these rights;

In the course of human events, it may become necessary to dissolve political bands which connect one people with another; and

The Government of Yugoslavia, among others, has denied its people these fundamental rights and used its armed forces to attack and kill its own citizens.

Therefore, it is the sense of the Senate that the United States, in accord with the philosophy of the Declaration of Indepenence, support the right of the people of Solvenia and Croatia to establish new governments that honor the unalienable rights of all of their citizens.

Mr. GORTON. Mr. President, at certain times, it seems to this Senator that it is appropriate to refer to our historic backgrounds and to our first principles. In that connection, in sponsoring this amendment, I would like to refresh the memories of my colleagues with one paragraph from the Declaration of Independence of the United States.

Jefferson wrote:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

We all know those words, but they are followed by words which are particularly appropriate at this point. Mr. Jefferson goes on to say:

That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Ojbect evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.

As the Communist system breaks down and its reach and depth diminishes, nationalism and ethnic strife frozen in time for the better part of half a century has surfaced throughout the world. For the United States, this situation poses several foreign policy dilemmas. Foremost among them is responding appropriately and consistently to the demands for independence by groups in a country where freedom, religion, ethnic identity, and culture have been repressed.

In the past, the United States, in most cases, has given precedents to territorial integrity and stability over independence and freedom. The most recent and notable example of this policy on our own part is our reaction to the Kurdish independence movement in Iraq.

There are exceptional cases however, in which the United States has taken the opposite stance. The most recent example that comes to mind is with respect to Eritrean independence from Ethiopia.

Clearly, each independence movement is unique, and though there are no hard and fast rules for dealing with these situations, there is a solid precedent for American policy: our own Declaration of Independence. Two hundred and fifteen years ago, our Founding Fathers reasoned that "in the course of human events" it may become necessary "for one people to dissolve the political bands which have connected them with another." On this basis, the

United States broke from Great Britain.

But the principles of this great document are not limited to the American people. Abraham Lincoln, reflecting on this thought in the depths of the Civil War said, and I quote him:

I have never had a feeling, politically, that did not spring from the sentiments embodied in the Declaration of Independence. * * * I have often inquired of myself what great principle or idea that kept this Confederacy so long together. It was not the mere matter of separation of the colonies from the motherland, but that sentiment in the Declartion of Independence which gave liberty not alone to the people of this country, but hope to all the world, for future time. It was that which gave promise in due time the weights would be lifted from the shoulders of all men, and that all should have equal chance. This is the sentiment embodied in the Declaration of Independence. * * * I would rather be assassinated on this spot than surrender it.

As Lincoln noted, the principles of the Declaration of Independence are universal and are applicable throughout the world. For this reason, the United States, in accordance with the philosophy of the Declaration of Independence, should, in the view of this Senator, support independence movements in Slovenia and Croatia.

Mr. President, not all human events counsel separation, whether for the United States or in Yugoslavia. Light and transient causes are certainly not reasons to resolve longstanding boundaries and political unions. But as the Thirteen Colonies recognized, some acts of existing governments cannot be overlooked. For the colonists, living under an absolute tyranny was one such condition.

In Yugoslavia, Slovenia and Croatia have endured nearly 50 years of Communist rule, and three quarters of a century of union with Serbia, reason enough, perhaps, for wanting a new system of government. But Slovenia and Croatia have been subjected to an absolute tyranny under a Serbian-dominated government that rivals in severity that experienced by our forefathers.

Slovenia and Croatia have been subjected to standing armies used to quell demonstrations for freedom. Yugoslavia is nearly as ethnically diverse as the United States. Unlike the United States, it is not a melting pot. Historically and geographically independent ethnic groups have not, regrettably, melded into one nationality. Yet, rather than agree to a looser federation, the central government maintained ethnically segregated, generally Serbian-dominated, armies to preserve peace in the republics. Like the British, the Yugoslav Government did this without the consent of the people affected.

Finally, Yugoslav Armed Forces, under Serbian control "independent of and superior to the civil power," to use the words of the Declaration, took control. In June, they rolled into Slovenia to quell calls for reform and demonstrations for freedom.

Since then, they have continued to incite the domestic insurrections in Croatia. This use of the armed forces of the central government to kill its own citizens irretrievably broke the social contract binding the people of Yugoslavia into one nation. Our colonists were subjected to treatment, which they duly noted in the Declaration.

Mr. President, this senator holds second place to none in his respect for the historic struggles of the Serbian people. One of the most profound and moving books I have ever read is by Rebecca West, entitled "Black Lamb & Grey Falcon," a peek into the history of Serbia and its attempt to escape from the domination of others.

Nevertheless, that domination has not been accepted by many of its minority groups. Three quarters of a century of attempting a centralized government seems at least in the views of the citizens of Slovenia and Croatia to have failed. Having been the subject of attempts to——

Mr. KERRY. Mr. President, will my colleague yield for a moment?

Mr. GORTON. I am delighted to.

Mr. KERRY. I wonder if I could ask my colleague, without interrupting, we are trying to proceed with a couple of amendments that are contested. This is an uncontested amendment that we will accept.

I wonder if my colleague—I know the leader is trying to move this process—would be willing to enter into an agreement on time?

Mr. GORTON. I say to the Senator from Massachusetts that the time remaining in my remarks is less than that of his interruption.

Mr. KERRY. I thank the Senator.

Mr. GORTON. Mr. President, this binding among the peoples of Yugoslavia has been destroyed by the central government. As our forefathers believed in 1776, and the Slovenes and Croats believe now, it is a people's right to change so oppressive a form of government. This is an unalienable right we Americans must not ignore.

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

The question is on agreeing to the amendment.

The amendment (No. 910) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 912

(Purpose: To strike funds for USIA's "Worldnet" television program)

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

The PRESIDING OFFICER. The clerk will report.

The Senator from Pennsylvania [Mr. WOFFORD] proposes an amendment numbered 912.

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

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

The amendment is as follows:

On page 83, strike lines 18 and 19 and insert in lieu thereof: "and Expenses", $401,109,500 for the fiscal year 1992 and $401,109,500 for the fiscal year 1993, provided that no funds shall be available for any expenditure related to the "Worldnet" television program.

Mr. KERRY. Will the Senator yield for a moment?

Mr. WOFFORD. Yes.

Mr. KERRY. Mr. President, with respect to the amendment of the Senator from Pennsylvania, I ask unanimous consent that on that amendment dealing with Worldnet, there be 20 minutes equally divided and controlled in the usual form; that following the conclusion or yielding back of time, there be a vote on or in relation to the amendment at a time set by the majority leader, after consultation with the Republican leader, and that no amendments to the amendment be in order.

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

Mr. KERRY. Mr. President, I ask unanimous consent, also that the Senator from Arkansas have his amendment considered next, or have his issue considered next.

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

The Senator from Pennsylvania is recognized.

Mr. WOFFORD. Mr. President, this amendment will save the taxpayers over $22 million by striking the funds for USIA's Worldnet television program. This program has only minimal viewership and entirely duplicates efforts done far better by the private sector.

Worldnet was initiated in 1983 by the USIA Director, Charles Wick, who had grand visions of a global U.S. Government television network. At vast expense USIA acquired satellite time, constructed ground receivers and produced daily programming. One program was an uninspired version of "The Today Show," while another took on the job of teaching viewers who already spoke English the intricacies of American English.

Meanwhile, USIA officers scurried around European cities trying to cajole foreign cable operators to carry this programming.

USIA made extravagant claims for Worldnet viewership. In one moment of exuberance, Director Wick claimed 5 billion viewers saw Worldnet's coverage of the 1985 Reagan-Gorbachev summit. On another occasion, USIA claimed more than 20 million regular viewers of its Worldnet programming.

These claims were viewed with considerable and, as it turns out, justified

skepticism by the distinguished chairman of the Foreign Relations Committee, Senator PELL. As part of the 1987 USIA authorization, Senator PELL proposed an amendment requiring USIA to hire an independent audit company to survey the number of actual viewers of Worldnet. The Pell amendment provided that Worldnet could continue to receive funding as long as it had 2 million viewers or just 10 percent of the USIA claim.

The survey was completed in 1988. It showed that Worldnet had no more than 200,000 viewers, just 10 percent of the Pell threshold and only one percent of the USIA claim.

Furthermore, the survey determined that, without counting viewers of the "George Michael Sports Machine," which was carried over the air by an Italian television station, the viewership of Worldnet's public affairs programming was in the neighborhood of 20,000.

In Germany, the survey found that during certain time periods Worldnet went out on cable without a single viewer.

Meanwhile, the American private sector was entering the field of international television with spectacular success.

CNN now operates in more than 60 countries and has tens of millions of viewers.

During the gulf war, CNN became the world's authoritative source for up-to-the-minute news and the place where our leaders, as well as those of other countries, made their diplomatic pronouncements.

Through CNN, our leaders were able to fight and win the public relations battle of the Persian Gulf war. And, we were able to do this at no cost to the American taxpayer.

According to USIA's Congressional Liaison Office, Secretary Baker has not appeared one single time on Worldnet. Not once. Clearly, the administration considers Worldnet a waste of its time. I hope the administration will also agree with me that Worldnet is a waste of the American taxpayers' money.

Unfortunately, it is hard to kill programs here in Washington, however wasteful they may be. Worldnet was resurrected in 1989 and continues today.

Perhaps if our taxpayers had unlimited sums of money, we could afford to produce television that no one watches. But not at a time when human needs are growing here at home, our economy's in recession, millions are unemployed and the real incomes of working families are falling while taxes are rising.

Over the last 12 years, the budget for the U.S. Information Agency has more than tripled, making it one of the fastest growing agencies in our Government.

While much of this growth has been merited, the easy availability of funds has allowed the agency to avoid the tough choices that other parts of our Government have had to face.

Let us be sensible fiscal conservatives. Let us kill a program that does not work and cannot compete with the private marketplace. And instead invest our tax dollars where they can do some good right here at home.

American taxpayers will be more than $22 million better off.

I yield the floor.

The PRESIDING OFFICER (Mr. BRYAN). Who is controlling time for purposes of yielding at this point?

Mr. KERRY. I believe the unanimous consent said that the Senator from Pennsylvania would control his 10 minutes, and I will control the 10 minutes for the proponents.

Mr. WOFFORD. I yield to the distinguished Senator from Rhode Island.

Mr. KERRY. How much time remains?

The PRESIDING OFFICER. Four minutes, 43 seconds. The Chair informs the Senator from Massachusetts that the time allocation was under the usual form. If the Senator from Massachusetts opposes the amendment offered by the Senator from Pennsylvania, the Senator from Massachusetts controls the time.

Mr. KERRY. The Senator from Massachusetts opposes the amendment.

The PRESIDING OFFICER. The Senator from Massachusetts controls the time.

Mr. KERRY. I do not believe I control the time of the Senator from Pennsylvania. The Senator from Pennsylvania is yielding to the Senator from Rhode Island.

Mr. PELL. Mr. President, I just want to rise and say I think the amendment is a good amendment. There would be $21 million saved to the taxpayers, and that is a tidy sum of money. I yield the remainder of my time.

Mr. WOFFORD. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, I believe the Senator from Indiana wishes to speak. How much time will the Senator need?

Mr. LUGAR. I wish to speak in opposition, if the Senator will yield 5 minutes.

Mr. KERRY. I yield 5 minutes.

Mr. LUGAR. Mr. President, this amendment is extremely shortsighted. I know of no media available to the U.S. officials to present the United States' position that is more effective than Worldnet. Indeed, the whole purpose of this appropriation bill is to appropriate money for an effective American foreign policy, to project our views. I make that point because the commercial networks are under no obligation to promote the viewpoints of the U.S. Government, our views as Americans.

Indeed, the networks are under some obligation to be objective, present many views, the views of the anchormen or the views of the editorial writers or those at least who are a part of the networks to begin with, and then to try to find opposing views at least to find some balance.

The USIA has found uniquely with Worldnet an opportunity to penetrate the thought processes of countries, friends or foe alike. I take two examples from personal experience in recent months. Just last week the distinguished Member of the House, Mr. SOLARZ, and I were asked by Worldnet to interact with officials in China. Our Embassy in Beijing invited 40 officials of the Chinese Government to attend a session in which those officials asked of SOLARZ and myself questions about United States policy.

We made assertions about China. We made very strong assertions, as a matter of fact, in middle of the most-favored-nation debate about human rights problems in that country, and the bandwagon effect of history that is bringing on market economics and democracy, and China should join it. Our views were transmitted to our consulate in China and, likewise to our consulate in Hong Kong. That is a service that is not performed by ABC, by CNN, by any of the networks, commercial entities of the United States of America, unless by invitation the Chinese decide at least to put on portions of those programs.

In a recent program to Latin America I was involved in dialog with a journalist in Caracas who ran the entire show as a part of his talk show at noontime to an audience estimated at a million persons. This was a direct advocacy of American views, over Caracas, to all the persons listening at that particular time.

I make this point, Mr. President, because I appreciate perhaps the proponents of the amendment have not known of the powers of American television when projected constructively by USIA, but Senators ought to know, the money ought to be retained. The amendment should be defeated. As a matter of fact, Mr. President, it would be well for all Senators to have a better idea of the power of American journalism and the ability of American foreign policy to affect the course of affairs.

There is no more powerful medium than television, and our ability to change tyranny into democracy in Eastern Europe, in Latin America, and now even in Southeast Asia, it seems to me, hinges very largely on our creative abilities to get ideas, to insinuate them into societies, that sometimes have repealed those ideas and made communication very difficult.

For these reasons, Mr. President, I am hopeful that Worldnet will be sup-

ported and that this amendment will be rejected. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts controls 5 minutes and 26 seconds.

Mr. KERRY. Mr. President, I thank the distinguished Senator from Indiana. I ask my colleagues to think hard about this amendment. I share the belief very, very deeply that this amendment is shortsighted, that it would take away a very important communications tool that has increased in its importance in recent years.

Mr. President, Worldnet is not a television network, so to speak. Worldnet sends out special kinds of programs, but also sends out tapes, special information packages that cannot go out through the commercial television system. Worldnet is totally distinct from the other kinds of television which people use as an excuse to suggest that Worldnet ought to be cut.

Let me also point out, unlike CNN which broadcasts in English and periodically in Spanish, Worldnet is available in a number of different languages, including Arabic, Indonesian, and even Urdu.

Second, CNN is available only to those who pay for it or only to those who have access to a satellite dish. But Worldnet is based on the notion that information is a right and not a privilege. So Worldnet is available, as a result, to anybody and particularly to Third World countries.

Finally, CNN does not and should not represent the United States. Worldnet specifically is there to represent a viewpoint of the United States just as other countries are trying to represent their viewpoint through increasingly present systems of television.

In a 2-week sampling from June 3 to 17, U.S. posts in Latin America and the Caribbean reported a placement of some 1,441 items, a total of 159 hours of air time, in channels of 21 out of 27 countries served by USIA posts.

I call to the attention of my colleagues this USIA advisory commission which, in its annual report, said that at a time when the influence of television is increasing, Worldnet budget has already dropped by 17 percent from 1989 to 1991. So, Mr. President, I would suggest respectfully that that budget is already insufficient and that is precisely what the U.S. advisory commission found.

I would hope that my colleagues will recognize the interactive television gains that we get through Worldnet and the extraordinary benefits that many people in other countries, policymakers, and others, have agreed that Worldnet presents. I hope that this cut will be rejected as a result of the benefits that are provided by this important service.

I retain the remainder of my time.

The PRESIDING OFFICER. The Chair would advise the Senator from Pennsylvania has 4 minutes and 24 seconds remaining on his time. The Senator from Massachusetts controls 2 minutes and 8 seconds.

Who yields time?

The Senator from Pennsylvania is recognized.

Mr. WOFFORD. Mr. President, I just say to the Senator from Indiana that Worldnet is not a very valuable tool. Practically no one is viewing it.

I say to the Senator from Massachusetts that indeed Worldnet is not a television network. It is not much of a television programming when practically no one is watching.

I come to this amendment not just out of a desire to find ways to save taxpayers money in general, but because of the very specific experience over many years that makes me skeptical of government television programs. During the very beginning of the growth of the United States official Government information services, I spent most of a year in India and Pakistan. A decade or so later, I spent 2 years in Ethiopia and in many countries of Africa. I worked in other countries for other periods of my life. And in all of those places I have seen the skepticism, and I think justifiable skepticism, that people have about any government's including our Government's, official programming.

Now we have been expanding this Worldnet into an area where CNN and the private sector from the United States have been doing a spectacular job.

I will just rest with saying that I believe that the real position of the United States is best represented not by Government television programming in Worldnet, but by the free press, the free television, of the United States. That is what the United States represents. A free society is its own best advertisement. That would best convey what we want to convey in this world—what freedom really is—and it will save taxpayers more than $22 million.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, How much time do I have?

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes and 7 seconds.

Mr. KERRY. Mr. President, I yield 1½ minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, I rise in opposition to this amendment. It seems to me with this bill and other measures that we have advanced in this body we have suggested the American viewpoint, the American vision, ought to be communicated to the world. We do it through consulates. We do it through embassies. We do it through ambassadors. We do it through world conferences. We do it through world exchange programs. We do it through assistance programs. We do it through loans. It is an area where reasonable men and women can disagree as to the extent and the amount of money appropriate.

But if you accept the proposition, as I believe every Member of this body does, that this Nation needs to communicate its ideas and its visions to the world, to say you are going to do that by every means except television simply is not very sound.

It seems to me, if we are in the business of communicating our ideas for the world, that we have overlooked one of the most basic and effective tools we can have if we say that television, and communication of ideas through television, should not be part of it. I believe this expenditure of money is one that is perhaps one of the more effective and cost effective ways of communicating our message.

If I were to trim the budget—and I made a number of recommendations today to do that—but if I were to trim it, this would be one of the last areas to cut, not one of the first. I hope the amendment will be defeated.

The PRESIDING OFFICER. The Chair will inform the Senator that the time allocated to the Senator has expired.

The Senator from Massachusetts controls 30 seconds.

Mr. KERRY. Mr. President, I yield 30 seconds to the Senator from South Dakota.

Mr. PRESSLER. Mr. President, I rise to oppose the amendment to strike Worldnet funding. Worldnet has a proven track record. Since 1983, the U.S. Information Agency [USIA] has utilized satellite technology to deliver premiere public affairs programming for international television viewers. Worldnet utilizes the medium of this century—television.

Worldnet broadcasts spread needed information in regions of the world that do not have good indigenous television and film services. Worldnet reaches areas that do not have access to international media services such as CNN. Worldnet assists fledgling media services in Eastern Europe achieve quality broadcasts by channeling satellite transmissions to U.S. Embassies and USIA posts around the world. The embassies then make the broadcasts available to both select and mass audiences.

Mr. President, our European allies, including France and Germany, understand the importance of international television broadcasting as a cost effective method of promoting democracy. Over the last few years these nations have invested heavily in international satellite television.

At the time of European expansion of international television broadcasts, the

budget for Worldnet has dropped by 17 percent from fiscal year 1989 to fiscal year 1991. Despite these budget cuts, Worldnet has been able to increase its broadcasts to Eastern Europe and Latin America.

Mr. President, I agree with the Senator's goal of replacing U.S. Government-funded media services with private media services. However, at this time, Worldnet is often the only source of television news. Rather than eliminating all Worldnet funding, I would suggest a study of the effectiveness of, and need for, Worldnet under the coordination of USIA.

Mr. President, I commend the Senator for offering an amendment that appears to be a $25 million savings for the American taxpayer. However, the deletion of Worldnet funding probably will result simply in the money being diverted elsewhere at the expense of this effective foreign policy tool.

Mr. President, I would state from personal experience, once being in Cairo, Egypt, where the people at the local television station told me that they frequently use the material, I think we have to learn to use television in its battle for ideas. We use Radio Free Europe. We use television to convey ideas for all other ideological warfare. I think that if we do not continue this, we just abandon this effort, we will be abandoning a very important opportunity.

The news from the United States is an important thing. And a lot of television stations around the world use as a source this Worldnet, and I think we should be putting our best foot forward. I think Worldnet has been successful.

The PRESIDING OFFICER. The time allocated to the Senator from Massachusetts has expired.

The Senator from Pennsylvania has 1 minute and 46 seconds remaining.

Mr. WOFFORD. I would only say, Mr. President, if this expenditure of $22 million were worth it, I would think the Secretary of State, Secretary Baker, would find it worth his time to be on Worldnet at least once. I am ready for the yeas and nays.

The PRESIDING OFFICER. Is the Senator requesting the yeas and nays?

Mr. WOFFORD. I am.

The PRESIDING OFFICER. Is there a sufficient second?

In the opinion of the Chair, there is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator wish to yield his time back? One minute ten seconds are remaining to the Senator from Pennsylvania.

Mr. WOFFORD. Yes, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. KERRY. Mr. President, I have two amendments that are both acceptable on both sides. I send to the desk a package of technical amendments.

The PRESIDING OFFICER. The Chair understands, pursuant to the unanimous-consent request, that the majority leader will designate a time for the vote on this amendment as well as others.

Under the previous agreement, the Senator from Arkansas was to be recognized for a period of 20 minutes, to be controlled in the usual form, 10 minutes allocated to each side.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I am about to propound a request for a unanimous-consent agreement which has been cleared by the distinguished Republican leader and will permit us to proceed to disposition of this bill and the other pending votes this evening.

Mr. President, I ask unanimous consent that Senator KERRY be recognized to offer two amendments, which I believe have been cleared on both sides.

Following disposition of those amendments, I ask unanimous consent that Senator BUMPERS be recognized to address the Senate for 5 minutes, following which Senator DODD be recognized to address the Senate for 5 minutes, following which Senator ROTH then be recognized to offer an amendment expressing the sense of the Senate on U.S. nuclear weapons in Europe; that there be 20 minutes of debate on the Roth amendment, equally divided and controlled in the usual form, with no amendments to the amendment in order; that, upon the use of or yielding back of that time, the Senate proceed, without any intervening action or debate, to vote on or in relation to the Roth amendment; that, following the disposition of the Roth amendment, the Senate proceed, without any intervening action or debate, to vote on or in relation to the Wofford amendment; that, following the disposition of the Wofford amendment, the Senate proceed, without any intervening action or debate, to vote on or in relation to the Pressler amendment No. 892; that, following the disposition of the Pressler amendment, the Senate proceed to vote, without any intervening action or debate, on or in relation to the Helms amendment No. 896; that, following the disposition of the Helms amendment, the bill be read for the third time; that the Foreign Relations Committee then be discharged from further proceedings on H.R. 1415, the House companion measure; that all after the enacting clause be stricken and the text of S. 1433, as amended, be inserted in lieu thereof, and the Senate then proceed to vote without any intervening action or debate on final passage of H.R. 1415.

I further ask unanimous consent that, following the vote on final passage of H.R. 1415, there be 10 minutes of debate equally divided in the usual form on the motion to proceed to the consideration of S. 1554, a bill to provide emergency unemployment compensation; that, upon the conclusion or yielding back of that time, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to the consideration of S. 1554. I further ask unanimous consent that all of the votes other than the first and last stated vote be for 10 minutes only.

The PRESIDING OFFICER. Is there objection? The Chair hearing none, the unanimous-consent agreement propounded by the majority leader is agreed to.

Mr. MITCHELL. Mr. President, Senators should now be aware then that there will be six rollcall votes this evening, the first of which will commence, if all of the time set forth is used, in approximately 35 minutes and that, if the Roth amendment is accepted or the time not used, votes could begin in as little as 15 minutes.

So I hope all Senators' offices will notify Senators that beginning somewhere between 15 to 35 minutes from now the Senate will begin a series of six rollcall votes.

I thank my colleagues for their cooperation. I thank the distinguished chairman and ranking member of the full committee and the managers of the bill for their diligence in proceeding to bring this bill to a conclusion this evening.

I thank the Senator from Arkansas for his courtesy as well.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Chair might inform the Senators that, as the Chair understands the unanimous-consent agreement, the Senator from Massachusetts [Mr. KERRY] is to be recognized for the purpose of offering two amendments, and then the Senator from Arkansas [Mr. BUMPERS] is to be recognized for a period of 5 minutes.

Under the unanimous-consent agreement, the Chair recognizes the Senator from Massachusetts.

AMENDMENT NO. 913

(Purpose: To make technical corrections)

Mr. KERRY. Mr. President, I believe I sent the amendment to the desk and I now ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 913.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 3, immediately above the item relating to section 162, insert the following item:

Sec. 161. Material donations to United Nations peacekeeping operations.

On page 3, in the item relating to section 171, strike out "The".

On page 4, strike out the item relating to section 303 and insert in lieu thereof the following:

Sec. 303. Policy on RFE/RI.

On page 9, after the period at the end of line 21, insert the following: "Authorization of appropriations for such arrearage payments provided in this subparagraph shall remain available until the appropriations are made.".

On page 10, after the period at the end of line 12, add the following: "Authorization of appropriations for such arrearage payments provided in this subparagraph shall remain available until the appropriations are made.".

On page 18, strike lines 13 through 16.

On page 18, line 17, strike out "(3)" and insert in lieu thereof "(2)".

On page 19, line 3, strike out "(4)" and insert in lieu thereof "(3)".

On page 19, line 6, strike out "(5)" and insert in lieu thereof "(4)".

On page 19, strike the period at the end of line 9 and insert in lieu thereof the following: ", except that the 15-day period under that section shall apply only insofar as consistent with the emergency nature of the situation in cases where the safety of human life is involved.".

On page 19, line 10, strike out "(6)" and insert in lieu thereof "(5)".

On page 19, line 13, strike out "(7)" and insert in lieu thereof "(6)".

On page 25, line 3, strike out "notification and".

On page 25, line 6, strike out "notification" and insert in lieu thereof "detailed reporting".

On page 25, line 7, strike out "notify on a timely basis" and insert in lieu thereof "submit a report on a timely basis to".

On page 25, line 10, insert at the end thereof the following: "Such report shall set forth for each person denied a visa pursuant to such section—

"(1) the name of the alien;

"(2) the alien's nationality; and

"(3) a factual statement of the basis for such denial.".

On page 25, line 20, strike out "the basis for" and insert in lieu thereof "a short statement of the grounds for".

On page 36, line 3, strike "and".

On page 36, between lines 3 and 4, insert the following:

"(I) activities of the Immigration and Naturalization Service; and".

On page 37, strike out line 5 through 11 and insert in lieu thereof the following:

(C) by striking out "after such date" and inserting in lieu thereof "without regard to the fiscal year such obligations were entered into, including obligations entered into before such date".

On page 28, beginning on line 18, strike out "reimbursable" and all that follows through "period' on line 20 and insert in lieu thereof the following: "deemed to be reimbursement obligations entered into pursuant to section 208(a) of that title as if the amendment made by this subsection were in effect during that period and the services had been requested by the Secretary of State".

On page 47, line 12, insert "by inserting 'preschool,' before 'kindergarten' and" after "(A),".

On page 48, strike lines 12 through 15.

On page 54, line 4, strike out "60 days" and insert in lieu thereof "9 months".

On page 55, line 22, strike out "in" and insert in lieu thereof "by".

On page 63, line 2, add at the end thereof the following new sentences: "In the event that the head of any originating agency considers it necessary to deny access to the Advisory Committee to the original text of any record, that agency head shall notify the Advisory Committee in writing, describing the nature of the record in question and the justification for withholding that record.".

On page 63, line 19, strike out "Advisory Committee" and insert in lieu thereof "Secretary of State".

On page 63, lines 20 and 21, strike out "The Secretary of State" and insert in lieu thereof "him by the Advisory Committee".

On page 63, line 21, add at the end thereof the following new sentence: "In the event that the Secretary of State decides not to furnish such copy to the originating agency, the Secretary shall notify the Advisory Committee in writing, describing the reasons for his decision.".

On page 63, line 23, insert "from the Secretary of State" after "report".

On page 64, line 3, strike out "Advisory Committee" and insert in lieu thereof "Historian".

On page 64, line 13, insert "(as determined by the Secretary of State and the Archivist of the United States)" after "value".

On page 65, line 16, before the semicolon insert the following: "or would demonstrably impair the national security of the United States".

On page 66, line 6, strike out "Act" and insert in lieu thereof "title".

On page 66, between lines 10 and 11, insert the following:

In the event that the Secretary of State considers it necessary to deny access to records under paragraph (3), the Secretary shall notify the Advisory Committee in writing, describing the nature of the records in question and the justification for withholding them.

On page 66, line 25, strike out "systematic".

On page 73, line 2, strike out "one" and insert in lieu thereof "two".

On page 86, strike lines 18 through 21 and insert in lieu thereof the following: "The Director of the United States Information Agency shall establish distinct Croatian and Serbian programs within the Yugoslavian section of the Voice of America'.".

On page 91, between lines 2 and 3, insert the following new undesignated paragraph:

Section 225(a) of such Act is further amended by striking out "shall" each of the two places it appears and inserting in lieu thereof "are authorized to".

On page 95, line 18, strike out "Act" and insert in lieu thereof "title".

On page 109, line 4, strike out "Act" and insert in lieu thereof "title".

On page 110, line 4, strike out "30" and insert in lieu thereof "90".

On page 110, lines 7 and 8, strike out "during Operation Desert Shield or Operation Desert Storm" and insert in lieu thereof "subsequent to August 2, 1990".

On page 110, line 13, strike out "Act" and insert in lieu thereof "title".

On page 110, line 17, before the sermicolon insert the following: "or, where required by law for certain reporting purposes, the Select Committee on Intelligence of the Senate and the select Committee on Intelligence of the House of Representatives".

On page 111, line 2, strike out "or".

On page 111, line 3, insert before the period the following: "which has become United States property in accordance with the laws of war".

On page 111, line 5, strike out "Act" and insert in lieu thereof "title".

On page 111, strike out lines 6 and 7 and insert in lieu thereof the following:

(1) the abandonment or failure to take possession of spoils of war by troops in the field for valid military reasons related to conduct of the immediate conflict, including the burden of transporting such property or a decision to allow allied forces to take possession of certain property solely for use during the immediate conflict;

On page 111, line 11, strike out "or".

On page 111, line 13, strike out the period and insert in lieu thereof a semicolon.

On page 111, between lines 13 and 14, insert the following:

(4) the return of spoils of war to previous owners from whom such property has been seized by enemy forces; or

(5) minor articles of personal property which have lawfully become the property of individual members of the armed forces as war trophies pursuant to public written authorization from the Department of Defense.

On page 114, line 9, strike out "Act" and insert in lieu thereof "title".

On page 116, line 24, strike out "Act" and insert in lieu thereof "title".

On page 130, line 13, strike out "Act" and insert in lieu thereof "title".

On page 149, line 11, strike out "Baltic Republics" and insert in lieu thereof "Baltic States".

On page 154, line 23, strike "(known as the 'Sejm')".

On page 169, line 12, after the period, add quotation marks and a period.

On page 6, line 16, strike "$1,743,005,000" and insert in lieu thereof "$1,727,005,000".

On page 6, line 17, strike "$1,745,005,000" and insert in lieu thereof "$1,735,005,000".

Mr. KERRY. Mr. President, this amendment represents a package of technical corrections which has been accepted by both sides.

The PRESIDING OFFICER. Is there further debate on the amendment of the Senator from Massachusetts?

If not, the question is on agreeing to the amendment.

The amendment (No. 913) was agreed to.

AMENDMENT NO. 914

(Purpose: To express the sense of the Congress that the United States should seek, through diplomatic channels, the release of political prisoners in South Africa)

Mr. KERRY. Mr. President, I send a second amendment to the desk on behalf of Senators LEVIN and KASSEBAUM and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for Mr. LEVIN, for himself and Mrs. KASSEBAUM, proposes an amendment numbered 914.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 169, after line 12, add the following:

SEC. . POLICY TOWARD THE RELEASE OF POLITICAL PRISONERS BY SOUTH AFRICA.

(a) FINDINGS.—The Congress finds that—

(1) on August 6, 1990, the African National Congress and the South African Government issued a joint statement, known as the "Pre-

toria Minute," in which both parties accepted a definition of "political prisoner" which was broader than the standard international definition of prisoners of conscience, and, pursuant to this agreement, agreed all political prisoners were to be released by April 30, 1991;

(2) the South African Human Rights Commission and the African National Congress (ANC) have identified a significant number of prisoners that they consider to be covered by the Pretoria Minute who remain incarcerated, including in the "homeland" areas;

(3) an agreement between the South African government and the African National Congress on the release of political prisoners, as defined by the Pretoria Minute, is considered indispensable to creating the proper atmosphere for a transition to a nonracial democracy in South African;

(4) the definitions applied in the Pretoria Minute are substantially different from those in the Comprehensive Anti-Apartheid Act of 1986;

(5) the United States Congress remains concerned about the delay in the resolution of this central issue.

(b) POLICY.—It is the sense of the Congress that—

(1) the President and the Secretary of State should pursue, through diplomatic actions with the South African Government, the resolution of this controversy and the release of all political prisoners;

(2) not less than 90 days after enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report documenting the progress which has been made concerning the release of all political prisoners;

(3) satisfactory resolution between the South African Government and the African National Congress of the issue of the release of political prisoners, is essential to the continued progress toward the establishment of a nonracial democracy in South Africa.

Mr. KERRY. Mr. President, this amendment expresses the sense of the Congress that the administration should undertake to pursue, through diplomatic actions with the South African Government, the resolution of the controversy over the release of political prisoners. The amendment requires the President to report on what progress has been made on this issue. I think, as we all know, the controversy on this issue continues to be a major obstacle to the talks among both the South African Government and the ANC. I think all of us believe this would be a good amendment. I think it is accepted on both sides.

Mr. LEVIN. Mr. President, the United States Congress has already clearly stated the importance that it attaches to the release of all South African political prisoners and to the establishment of a climate conducive to the free exercise by South Africans of all races of their right to participate in the political process.

Release of all political prisoners has also been a fundamental demand of the antiapartheid forces in South Africa and the international community. It has been a key condition for the relaxation of international pressure and readmittance of South Africa to the community of nations.

On August 6, 1990, the African National Congress and the South African Government issued a joint statement, known as the "Pretoria Minute," in which both parties accepted a definition of "political prisoners." Pursuant to this agreement, all political prisoners were to be released by April 30, 1991. However, after that agreed upon deadline, the Human Rights Commission of South Africa and the African National Congress have identified a significant number of political prisoners who remain incarcerated in South Africa, including the "homeland" areas.

My amendment expresses the sense of the Congress that the United States should seek, through diplomatic channels, the release of all political prisoners in South Africa and requires the Secretary of State to submit to the Congress a report documenting the progress which has been amde concerning their release. My amendment also reaffirms the sentiment of Congress that a satisfactory resolution between the South African Government and the African National Congress of the issue of the release of political prisoners is essential to the continued progress toward the establishment of a nonracial democracy in South Africa.

Mr. President, I am very pleased that my colleague, Senator KASSEBAUM, the ranking minority member of the Subcommittee on Africa has joined as a cosponsor to this resolution.

Mr. HELMS. Mr. President, earlier today I suggested that this is not the time to debate future United States policy regarding South Africa.

The amendment by the Senator from Michigan [Mr. LEVIN] steps to the brink of debating South Africa but does not go over the edge.

If adopted, the Levin amendment, in my opinion, should not alter United States policy toward South Africa. After all, Mr. President, United States policy regarding so-called political prisoners was established by President Bush when sanctions ended.

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

The Chair hearing none, the question is on agreeing to the amendment.

The amendment (No. 914) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas [Mr. BUMPERS] is recognized.

Mr. BUMPERS. Mr. President, I had intended to offer an amendment tonight to strike section 915 of this bill. That was a provision that was inserted in the committee by the Senator from Connecticut [Mr. DODD], which would authorize us to embark on yet another method of selling arms.

I know there is not a single person in this body for whom I have a greater respect or closer friendship than my good friend, the Senator from Connecticut.

Mr. President, I feel strongly about not starting another methods of selling arms, especially in the wake of the Persian Gulf when every poll shows that every American says that if we learned anything from the Persian Gulf it should be to stop the proliferation of arms all around the world.

Indeed, negotiations are going on right now in Paris between all the permanent members of the Security Council to stop it.

Yet here we have a $1-billion loan guarantee which OMB says will be subsidized to the tune of $63.5 million a year. This is a 2-year authorization in this bill.

Incidentally, the reason I am not going to offer the amendment tonight is because it is going to have to be confronted again on the appropriations bill and there is not any point in putting the Senate through the wringer twice on the same issue. Therefore, I am not going to offer my amendment tonight. Appropriations is really the determinative vote anyway.

Section 915 is very cerefully crafted to say that the Arms Export Control Act is amended to authorize an additional $1 billion in guaranteed loans, the loan rate to be set at whatever rate the Eximbank would charge for the same loan. That is complicated because the Eximbank has a lot of complicated formulas.

This is another $1 billion in loan guarantees that will cost the taxpayers of America $63.5 million each year, and all you can do when you go to bed at night is pray that whomever you make these concessionary loans to will pay them back. If they do not, add the full billion to the burden of the American taxpayers.

Section 915 is very carefully crafted to say that sales may only be made to our NATO allies, plus Japan, Australia, New Zealand, and Israel.

I would like to ask the American people and my colleagues in the Senate, who here wants to subsidize a loan to Japan? Who, here, wants to subsidize a loan to Great Britain? Or Germany? Or Italy? Or any of the others?

Interestingly, this provision includes Iceland. Do you know what Iceland spends on national defense? Zero. Not a dime. They have not spent a dime in years on defense. But they are included in this amendment.

I do not want to make all the arguments just as though I had offered the amendment because there is going to be a long, protracted debate on the floor when the appropriations process comes up. But the truth of the matter is that the argument will be made that the unemployment rate in States like

Connecticut and Delaware and Massachusetts is very high. Those States do, indeed, have significant defense industries. And I know that unemployment is high. But I promise my colleagues, the unemployment rate in Connecticut is not nearly as high as in 25 counties in east Arkansas.

I applaud the Senator from Connecticut for trying to do something for his people. If I were in his position I might be doing the same thing. But, Mr. President, the worst possible reason in the world for an amendment to increase the number of arms sales by $1 billion—the worst argument in the world—is that it creates jobs.

We are going to create jobs in the defense industry? And send more and more weapons all over the world? And have those weapons, maybe, ultimately, pointed at us? That's what happened with some weapons in the Persian Gulf war.

The PRESIDING OFFICER. The Chair informs the Senator from Arkansas that the 5 minutes allocated to him has expired.

Mr. BUMPERS. Mr. President, I will save the rest of my ammunition for a later time.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut [Mr. DODD] is recognized for 5 minutes.

Mr. DODD. Mr. President, let me begin my remarks by saying that I have no higher regard for any Member of this body than I do for the distinguished Senator from Arkansas. But on this matter his argument would be appropriate if we were discussing a provision of this legislation that dealt with arms sales to Third and Fourth World countries. Rather, we are dealing here with sales of private contractors to NATO countries and New Zealand, Australia, Japan, and Israel.

This is not a subsidy to Japan. It goes to help out private contractors trying to compete effectively in a marketplace that has changed. We no longer compete with governments. That is what we are up against around the world. That is certainly true within the European Community and elsewhere.

All we are trying to do is create a level playing field in those markets. We are trying to see to it that our products will have at least some sort of an equal chance to compete effectively with those of industries that are being highly subsidized primarily by the governments of Japan and Western Europe.

This amendment confines the nations to just that group and only that group. And it deals only with private contractors, not government-to-government sales.

So while I respect immensely the concern of the Senator from Arkansas about expanding further arms sales around the world, this particular provision—which passed on a recorded vote in the Foreign Relations Committee—is designed specifically to see to it that American workers and American industries are not disadvantaged in that marketplace. Frankly, that is what has happened.

This provision in the legislation is designed to see to it that we create that level playing field.

I wish the world were such that there were not going to be any more arms sales; that there were not going to be any more defense contractors; that we were going to stop once and forever the sales of jet engines or helicopters or other equipment. That would be ideal and I wish that were the case, and I respect the desire of the Senator from Arkansas for that to be the case. I am sure everyone in this body has similar views.

The hard realities of life, though, are that there will be defense articles made and produced in Europe and elsewhere around the globe. It is an important industry in this country. And it is our industry that is suffering. We are already seeing a 25- to 30-percent reduction in the U.S. defense industry as a result of changed conditions in the world.

But to suggest that our industries ought to be put out of business when it comes to trying to compete effectively in foreign markets, I think would be a mistake.

So this legislation is not just a bill that deals only with Connecticut or New England, but rather industries across this country that have contributed significantly to this Nation's health and well-being and, frankly, ought to have the opportunity to compete fairly and effectively in those marketplaces.

So Mr. President, I support the work of the Foreign Relations Committee. I thank my colleagues on the committee for having supported this provision. My hope is that we would fund this provision because it could make a difference to American workers, to American industries, to American technology, and to research and development in these important areas. Frankly, that is the reason it was included in this legislation.

And let me say that I commend the administration for being supportive in helping draft this legislation in a way that would do the job most effectively.

Mr. President, I say to anyone who would try to expand this market to Third or Fourth World countries, I would strongly oppose any effort in that regard. But at least in those markets where the Japanese and others highly subsidize their industries, at least in those markets where we try to compete and we cannot even get in the door, this legislation will allow us at least to get in that door. This legislation will see to it that American products can be competitive on a price level.

Until these other countries change their policies when it comes to subsidizing their industries, I think we ought to decide we are going to play by the same rules. If they change their rules, we will change our rules. But until that occurs, I do not think American people whose jobs are on the line ought to have to suffer because other countries will not play by the rules by which my friend from Arkansas would like them to play.

I thank the distinguished Senator from Massachusetts and the distinguished Senator from Rhode Island and others who supported this provision when it was raised in the Foreign Relations Committee. This is not going to save a large number of jobs. It is not going to make a tremendous difference in that regard. But it could make the difference for some. For that reason, it is an important provision, and I thank them for their support.

I yield the remainder of my time.

Mr. LIEBERMAN. Mr. President, I rise in opposition to the gentleman from Arkansas' amendment. I believe that it would hurt our defense exporters at a time when we are dramatically downsizing our military—thereby affecting their ability to do business—and when our economy is suffering through the throes of a recession. You might even call it a depression of New England.

Our defense manufacturers are a critical part of our manufacturing base. They produce products which are competitive worldwide. But the problem confronting our defense manufacturers has nothing to do with the quality of their products, it has to do with the lack of an adequate financing program to help them compete against manufacturers from other nations. Without this financing, they are at a competitive disadvantage.

The United States is one of the few leading exporting nations that does not support its defense manufacturers with their export sales. The result of this lack of support is that domestic producers lose sales or shift production overseas through subsidiaries to countries which will provide export credits. At a time when our defense industry is downsizing as a result of inevitable cutbacks, we cannot afford to hurt our exporters further by refusing to support their export activities. We stand to lose too many jobs if we do not help. This is particularly important to my home State of Connecticut which relies heavily on its defense industry.

What Senator DODD did with the language now contained in the bill is establish a program that would help our exporters without putting the Federal Government at great financial risk. He does this in two ways: by ensuring that the Eximbank does a risk analysis of all pending transactions and by limiting the universe of companies that are permitted to take advantage of the

program. The only nations that are eligible to use the guarantee authority are NATO nations, Israel, Japan, and our ANZUS allies.

What the Dodd language does not do is set up the program at the Export-Import Bank. The administrative function for the program is at the State Department. This should help to diminish concerns about the so-called crowding our problem, that some supporters of the Eximbank were afraid of when it was first suggested that the Eximbank begin a policy of exporting financing. Eximbank would merely make available its expertise to ensure that all transactions were financially sound.

We talk a great deal in this body about competitiveness. We speak about how we want to help American companies to compete on a level playing field, how we want to help them deal with unfair foreign competition. The Dodd language on export financing helps us to achieve that goal by making available necessary export financing for our exporters so that they can compete against foreign firms.

It is important to remember that arms traffic will not stop if we decide not to add our exporters. What will occur is our companies will once again be put at a competitive disadvantage. We simply cannot allow that to happen, particularly since this bill only affects sales to longstanding American allies.

With the language contained in this bill, Senator DODD provides a framework for establishing a carefully controlled defense export financing program that addresses the financial and political concerns of both the administration and Congress. He puts a workable program in place so that our defense exporters will no longer be at a competitive disadvantage.

I urge my colleagues to vote against the amendment of the gentleman from Arkansas.

The PRESIDING OFFICER. The Senator from Connecticut having yielded this time back, under the previous order, the Senator from Delaware [Mr. ROTH] is recognized for the purpose of proposing a sense-of-the-Senate resolution, 20 minutes to be allocated for debate under the usual control.

The Senator from Delaware is recognized.

AMENDMENT NO. 915

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 915.

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

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

The amendment is as follows:

At an appropriate place in the bill add the following new section.

SEC. . TO EXPRESS THE SENSE OF THE SENATE CONCERNING THE RESEARCH AND DEVELOPMENT OF UNITED STATES TACTICAL NUCLEAR WEAPONS DESIGNED FOR DEPLOYMENT IN EUROPE.

(a) FINDINGS.—

(1) the Warsaw Pact military alliance no longer exists;

(2) the Soviet Union's capability to pose a military threat to European security has retreated radically; and

(3) in light of the retreating Soviet threat, West European electorates are unlikely to approve the deployment of new United States tactical nuclear weapons on European soil.

(b) POLICY.—It is the policy of the Senate that the United States Government should not proceed with the research or development of any tactical nuclear system designed solely for deployment in Europe unless and until the NATO Council has officially announced how, when, and where such tactical nuclear systems will be deployed.

Mr. ROTH. Mr. President, the amendment which I have offered seeks to express the sense of the Senate, concerning the research and development of new United States tactical nuclear systems designed for deployment in Europe. In short, I do not believe that this Nation should research or develop any such system until our Western European allies have publicly announced how, when, and where these new systems will be deployed.

Currently, this Nation is proceeding with the research and development of a new, air-launched nuclear missile, the SRAM–T, which is designed for deployment in NATO Europe. But we have absolutely no public commitment from our European allies that they will accept this missile on their soil. We are spending money on a system which may never be deployed.

We must remember the historical background to the current European situation. The INF Treaty withdrew intermediate range nuclear missiles from Europe. Subsequently, the collapse of the Warsaw Pact rendered the remainder of the United States ground-based nuclear arsenal in Europe obsolete, since the Lance missile and nuclear artillery lacking the range to hit Soviet territory, could only be targeted upon the new democracies of Eastern Europe.

At that stage, several European members of the North Atlantic Treaty Organization began privately—and I stress the word "privately"—to express concern by the apparent denuclearization of Europe. Nuclear weapons had always been viewed as a seminal deterrent to conventional conflict and the United States nuclear weapons deployed in Europe were viewed as a guarantee of the United States commitment to NATO's common defense. But now, the only effective United States nuclear weapons in Europe were gravity bombs, along, of course, with offshore ship and submarine weapons—weapons which the United States could draw out of Europe at will.

In order to calm these anxieties, the United States under encouragement from a number of NATO governments, began development of the SRAM–T. Since the weapon would be air-launched, it would not violate the INF Treaty, though it and its launching vehicle, probably an F–15, would have sufficient range to strike Soviet soil. The weapon would be deployed at United States air bases in Europe to demonstrate clearly the United States commitment to use, in the final event, nuclear weapons in defense of Europe.

Now I must descend from the levels of high strategy to the mundane level of everyday politics. While European governments might encourage the United States to proceed with systems such as the SRAM–T, they are not, by any means, willing to announce their commitment to the system and to permit its deployment upon their soil.

The reasons for their reluctance are clear. New nuclear deployments are almost always unpopular, particularly in cramped and densely populated Western Europe. That unpopularity will, necessarily, be magnified by the fact that the voting public, on both sides of the Atlantic, correctly perceives the Soviet military threat to their security to be in rapid retreat. Certainly, I would not wish to be the German chancellor who has to explain to the German electorate that, though the Warsaw Pact has collapsed and the Red army has retreated eastward, they now must accept new, modern nuclear weapons on German soil.

The answer to this dilemma from European governments to date, has been procrastination—the need to deploy new tactical nuclear weapons in Europe will supposedly be explained to the European public at a later time, when supposedly, the atmosphere is better than it is now. But, in fact, Mr. President, I suspect that all of us here today know that such a time will never come. It will never be convenient to announce the deployment of new nuclear weapons in Europe. The fatal day will be put off, repeatedly, and the United States will be left with an expensive, useless nuclear weapon on its hands along with a tarnished image as an external force which tried to force nuclear weapons into a newly peaceful Europe.

Those who dispute this scenario should recall the history of our deployment of Pershing II and ground-launched cruise missiles in Europe. We had been urged to follow this course by several European governments who were concerned by the buildup of Soviet SS–20's targeted on Western Europe. However, when the United States responded to that suggestion, it was not greeted with strong support. To the contrary, parties which, in the past,

had pressed for new United States nuclear deployments now behaved like reluctant suitors and frequently postured before their electorates as reluctant victims of a bellicose United States Government which was determined to deploy new nuclear weapons in Europe. Eventually, the new weapons were deployed, but only after a great deal of trauma.

We must ask ourselves, Mr. President, if it proved so difficult to deploy new United States nuclear weapons in Europe in the 1980's, when Europe was definitely threatened by an armed, aggressive Soviet Government and armed forces, how much more difficult will it be to deploy such weapons when the Soviet threat to Europe has retreated and possibly even disappeared?

I put it to my colleagues that most NATO European governments will never, under current circumstances, risk their standings with their national electorates in order to approve the deployment of new United States tactical nuclear systems. At the very least, this Government should suspend laying out money on such systems until we and our European and Canadian allies, sitting together in the NATO council, have publicly committed ourselves to the deployment of new tactical nuclear systems and have informed all of our voting publics exactly how, when, and where these systems will be deployed.

Mr. President, I urge the adoption of my amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, we are going to accept this amendment. I just want to say, for the record, there are Senators, obviously, with differing views about what weapons ought to be inserted when, where, and how. But I think the Senator has appropriately raised the notion that the NATO council ought to be looked to for advice, although I know the Senator has by no means the notion that once they have given their advice that is somehow binding or more than advisory, which is all it could be.

But it is important for us to have that view, and clearly it is appropriate that we should look to the NATO council.

We are delighted to accept this amendment.

Mr. President, I yield back such time as may remain on this side. I believe there is no one speaking in opposition, and all time is yielded back.

The PRESIDING OFFICER. The Chair notes all time is yielded back under the control of the Senator from Massachusetts. The Chair inquires of the Senator from Delaware; he has 2 minutes and 12 seconds under his control.

Mr. ROTH. I yield back my time.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 915) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, amendment No. 912, offered by the Senator from Pennsylvania [Mr. WOFFORD] is the pending amendment.

Mr. KERRY. Mr. President, I move to table the amendment of the Senator from Pennsylvania, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is now on agreeing to table the amendment of the Senator from Pennsylvania, Mr. WOFFORD.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I would like to remind Senators we will now have a series of votes. The first one will be for 15 minutes; all others except for the last vote will be for 10 minutes.

It is an imposition on colleagues for Senators not to stay here and vote during the 10 minutes on the succeeding votes. I urge all Senators to do so out of courtesy to their colleagues, so we can complete this bill and our business today at a reasonable hour.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The question is on agreeing——

Mr. STEVENS. Mr. President, may I address an inquiry to the leader.

What follows the last vote?

Mr. MITCHELL. I have discussed that with the distinguished Republican leader. It is our hope to proceed to one of the remaining appropriations bills, probably the agriculture appropriations bill, although there will be no votes on it this evening after the cloture vote.

I hope we can get it in position to vote on in the morning, or State, Justice, Commerce appropriations.

Mr. STEVENS. The cloture vote will be the last vote this evening?

Mr. MITCHELL. The last vote this evening.

VOTE ON AMENDMENT NO. 912

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Wofford amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH] and the Senator from Oklahoma [Mr. NICKLES] are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. HATCH] would vote "yea."

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—55

Bentsen	Glenn	Packwood
Bond	Gorton	Pressler
Boren	Gramm	Robb
Breaux	Grassley	Rockefeller
Brown	Hatfield	Roth
Bryan	Heflin	Rudman
Bumpers	Helms	Seymour
Burns	Hollings	Shelby
Chafee	Inouye	Simon
Coats	Jeffords	Simpson
Cochran	Kassebaum	Smith
Cohen	Kasten	Specter
Craig	Kerry	Stevens
D'Amato	Lott	Symms
Danforth	Lugar	Thurmond
Dole	Mack	Wallop
Domenici	McCain	Warner
Durenberger	McConnell	
Garn	Murkowski	

NAYS—42

Adams	Exon	Metzenbaum
Akaka	Ford	Mikulski
Baucus	Fowler	Mitchell
Biden	Gore	Moynihan
Bingaman	Graham	Nunn
Bradley	Harkin	Pell
Burdick	Johnston	Reid
Byrd	Kennedy	Riegle
Conrad	Kerrey	Sanford
Cranston	Kohl	Sarbanes
Daschle	Lautenberg	Sasser
DeConcini	Leahy	Wellstone
Dixon	Levin	Wirth
Dodd	Lieberman	Wofford

NOT VOTING—3

Hatch	Nickles	Pryor

So, the motion to table the amendment (No. 912) was agreed to.

VOTE ON AMENDMENT NO. 892

The PRESIDING OFFICER (Mr. SANFORD). The question is on agreeing to the Pressler amendment, No. 892. The yeas and nays have been ordered.

Mr. KERRY. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH] and the Senator from Oklahoma [Mr. NICKLES] are necessarily absent.

I further announce that, it present and voting, the Senator from Utah [Mr. HATCH], would vote "nay."

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

The result was announced—yeas 25, nays 72, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—25

Adams	Glenn	Reid
Bradley	Gore	Robb
Breaux	Hatfield	Sanford
Bryan	Jeffords	Sarbanes
Burdick	Kennedy	Simon
Byrd	Kerry	Wellstone
Cranston	Moynihan	Wofford
Durenberger	Packwood	
Fowler	Pell	

NAYS—72

Akaka	Exon	McCain
Baucus	Ford	McConnell
Bentsen	Garn	Metzenbaum
Biden	Gorton	Mikulski
Bingaman	Graham	Mitchell
Bond	Gramm	Murkowski
Boren	Grassley	Nunn
Brown	Harkin	Pressler
Bumpers	Heflin	Riegle
Burns	Helms	Rockefeller
Chafee	Hollings	Roth
Coats	Inouye	Rudman
Cochran	Johnston	Sasser
Cohen	Kassebaum	Seymour
Conrad	Kasten	Shelby
Craig	Kerrey	Simpson
D'Amato	Kohl	Smith
Danforth	Lautenberg	Specter
Daschle	Leahy	Stevens
DeConcini	Levin	Symms
Dixon	Lieberman	Thurmond
Dodd	Lott	Wallop
Dole	Lugar	Warner
Domenici	Mack	Wirth

NOT VOTING—3

Hatch	Nickles	Pryor

So, the motion to table the amendment (No. 892) was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota. The yeas and nays have been ordered.

Mr. KERRY and Mr. PRESSLER addressed the Chair.

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

Mr. KERRY. Mr. President, I ask unanimous consent that the yeas and nays be vitiated.

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

The amendment (No. 892) is agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 896

The PRESIDING OFFICER. The question is now on the Helms amendment No. 896.

Mr. KERRY. Mr. President, I move to table the Helms amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts to lay on the table the amendment of the Senator from North Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH] and the Senator from Oklahoma [Mr. NICKLES] are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. HATCH] would vote "yea."

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

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—57

Adams	Dodd	Metzenbaum
Akaka	Durenberger	Mikulski
Baucus	Ford	Mitchell
Bentsen	Fowler	Moynihan
Biden	Glenn	Nunn
Bingaman	Gore	Pell
Boren	Graham	Reid
Bradley	Harkin	Riegle
Breaux	Heflin	Robb
Bryan	Inouye	Rockefeller
Bumpers	Jeffords	Sanford
Burdick	Johnston	Sarbanes
Byrd	Kennedy	Sasser
Cohen	Kerry	Shelby
Cranston	Kohl	Simon
D'Amato	Lautenberg	Warner
Danforth	Leahy	Wellstone
Daschle	Levin	Wirth
Dixon	Lieberman	Wofford

NAYS—40

Bond	Gramm	Packwood
Brown	Grassley	Pressler
Burns	Hatfield	Roth
Chafee	Helms	Rudman
Coats	Hollings	Seymour
Cochran	Kassebaum	Simpson
Conrad	Kasten	Smith
Craig	Kerrey	Specter
DeConcini	Lott	Stevens
Dole	Lugar	Symms
Domenici	Mack	Thurmond
Exon	McCain	Wallop
Garn	McConnell	
Gorton	Murkowski	

NOT VOTING—3

Hatch	Nickles	Pryor

So, the motion to lay on the table the amendment (No. 896) was agreed to.

REPORT ON U.N. ARREARAGES, AMENDMENT NO. 880

Mr. MOYNIHAN. Mr. President, I rise to speak to the amendment offered earlier today by the Senator from North Carolina [Mr. HELMS] requiring a report on the use of the arrearages that the United States will be paying to the United Nations. Let me begin by saying, as I have in the past, that I am pleased that the Congress is facing up to the issue of our debt to the United Nations. The United States has become the biggest deadbeat in the U.N. system. We have placed ourselves in the company of states like Libya, South Africa, and Syria as a state which does not pay its legal obligations to the United Nations. Now that time is past and we are moving ahead to fulfill these obligations.

There were definitely problems at the United Nations. As a former Permanent Representative, I know full well that the United Nations needed improvement. But there has been improvement. The United Nations has embraced consensus-based budgetary decisionmaking. We now have a high degree of confidence that no funds will be spent for activities to which the United States has strong objections. In particular, I wish to commend the longstanding and vigorous efforts of our colleague, Senator KASSEBAUM, for working to encourage budgetary reform at the United Nations.

The amendment offered by the Senator from North Carolina asks for a report. This is unobjectionable. With the new spirt of cooperation and consensus at the United Nations we know that the report will tell the Congress that the arrearage payments we are making are going toward activities that the United States has no objection. For that reason, I cannot see how anyone would object to the report that the Senator requests.

Mr. PELL. I fully concur with the remarks of the senior Senator from New York. The amendment offered by the Senator from North Carolina does no more than request a report on how the U.S. arrearage payments will be spent. Given the very positive role that the United Nations is playing around the world today, I look forward to learning more about its activities and the way in which the U.S. arrearage payments will contribute to those activities. I likewise concur in the view that—as a result of the consensus-based budgetary decisionmaking at the United Nations—there is nothing that we are likely to learn in this report that will cause the Senate any concern.

Mrs. KASSEBAUM. I agree with my colleagues in having no objection to a report on the manner in which the United Nations will use the U.S. arrearage payments. I will be particularly interested to learn how these funds will be allocated to the United Nations' refugee programs. The growing refugee problem is a true crisis, and one which demands a serious review of how we allocate resources and implement programs.

Mr. DURENBERGER. Mr. President, I rise to comment briefly on the committee language pertaining to United States relations with Laos.

My State of Minnesota has a substantial Laotian population, including many native Hmong. The Laotian community in Minnesota obviously follows events in their homeland very closely and with a great interest and concern. Quite of few still have family living in Laos.

Many Laotian-Minnesotans contact me regularly to express their continuing concerns and anxiety about persistent human rights violations in Laos, particularly against the Hmong people.

Mr. President, although it is certainly true, as the committee bill states, that significant positive

changes are occurring in Laos regarding moves toward liberalizing markets, establishing a system of laws, and cooperating on POW/MIA and drug trafficking matters, I believe it is extremely important for members of the Senate to appreciate that there are still shortcomings in Laos, particularly regarding respect for basic human rights and the treatment of refugees returning from camps on the Laos-Thailand border.

As many of my colleagues will recall, I visited Laos in 1989. It was an extremely positive and beneficial experience for me, and hopefully for our hosts as well. We discussed many of these issues, including the human rights questions. The Laotian leaders with whom we met expressed a desire a move forward on these matters and to work cooperatively with the United States across of the spectrum of our mutual concerns.

I value that commitment by the Laotian leaders, and I believe it is extremely important for the Senate to promote still greater and more positive changes in Laos. I support the committee language, as far as it goes, Mr. President. But I am not convinced that it goes far enough.

I believe the committee could have made stronger references to the absolute imperative for the United States to insist that the Laotian Government respect fundamental human rights of all Laotian people and continue making progress on democratization and market liberalization. It should be our policy objective not only to recognize and reward changes already made, but to ensure that Laos carries through to far greater reforms than currently embraced.

Mr. President, many Laotian-Minnesotans have expressed particular concerns regarding reports of forced repatriations of Laotian refugees in camps in Thailand or near the Lao-Thai border. I have shared these concerns with the State Department, and it is my hope that the Foreign Relations Committee will also address these matters in future hearings.

Mr. President, Members of the Senate will recall that in early June of this year, there was a large demonstration in Washington of the Hmong-Laotian community of the Human Rights in Laos, Mr. Nkajlo Vangh, shared with me an extensive report on the demonstration and the concerns of Laotian community in this country. Because of its length, I will not submit the entire report for the RECORD, but I believe the Senate would benefit from portions of this report, which I will submit at the appropriate time.

The Foreign Relations Committee should be commended for including authorization to establish a USIA office in Vientiane. Such an office can make a valuable contribution to providing citizens of Laos with information and insights about the United States and about democratic values, market economies, and political freedoms. This is an important provision, and I urge my colleagues to support it.

Mr. President, I ask unanimous consent to insert in the RECORD at the conclusion of my remarks the conclusion and summary section of the report referred to above.

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

WHITE PAPER ON THE PURPOSES OF HMONG AND LAOTIAN DEMONSTRATIONS IN WASHINGTON, DC, ON JUNE 9–10, 1991

(Submitted by The Lao Human Rights Council on behalf of those refugees in Thailand and their fellows in the United States.)

CONCLUSION AND SUMMARY

It is our hope that the U.S. Government and the United Nations will seriously consider the above requests and calls for help and humanitarian assistance. World politics is changing. The powers of peoples change the world. Communism in Eastern Europe and around the world was collapsed by the so-called democracy project. Now is the time to pursue this project in Laos. Laotian people desire peace, freedom, democracy, and human rights. We need American support, help, contributions, and humanitarian assistance. Freedom of refugees and movement must replace the forced repatriation of refugees to Laos.

We are here in Washington, DC, because we need help and humanitarian assistance from the U.S. Government and the American people. The United States Government must no longer ignore the crying and dying of the Hmong refugees in the Mekong River and inside Laos. Four decades ago, President Harry Truman declared in 1947 that "it must be the policy of the United States to support free peoples" against outside threats to their freedom and self-determination. In January 1961, President John F. Kennedy addressed the American people that "ask not what your country can do for you—ask what you can do for your country." Similarly, the American people and Government must not ask what Hmong and Laotian people can do for America. The American people and Government must ask themselves what they can do for Hmong and Laotian people who are crying and dying now. The time has come and is overdue for the United States to take some actions on Laos. During the Indochina war, Hmong and Laotian people and the Americans shared the price of peace, democracy and freedom for the free world we all saw in 1989. The world might not have changed the way it was in 1989 without cooperation between Laotians and Americans during the cold war. Indeed we have performed excellent duties for the free world in the past several decades. In 1975, the Vietnam war was over for Americans. However, the war is not over for Hmong and Laotian people in Laos yet. Indeed, we had commitments to fight the war together. So today, we must share the price of peace and freedom together. Indeed, Hmong and Laotian people do not receive this kind of price. They do receive death, human tragedies and tears for 15 years. We all regretted that the United States and the world have turned blind eyes to see and deaf ears to hear these human tragedies and tears. Therefore, Hmong and Laotian Americans and other individuals who share our concerns come together today to request help and humanitarian assistance and concern of the U.S. Government and the United Nations, ASEAN, and the international community.

We are here to notify the United States Government, Thai Government, Communist Pathet Lao government, ASEAN governments and the United Nations that those refugees inside Thailand are not willing to return to Laos at this moment because it is not safe for them to return. They will go home when it is the appropriate time. They will return home based on the 15 points which were adopted by the people on January 20, 1991. Please see attached copies of the 15 points.

We denounce and reject the letter of March 1, 1991, which Mr. Vue Mai, the chairman of the Vinai Refugee Camp, sent to the United Nations High Commissioner for Refugees in Bangkok and in Geneva. This letter contained that Hmong and Laotian refugees who are inside Thailand are willing to return to Laos. Indeed. This letter was made by Vue Mai himself without the approval and consultation of the other nine group leaders of the camp and of the refugees. Therefore, on May 24, 1991, nine group leaders of the refugees forced Mr. Vue Mai to resign. They denounced and rejected the letter of March 1, 1991. Therefore, the statements of March 1, 1991, which contained that Hmong and Laotian refugees are willing to return to Laos shall be null and void. The Lao Human Rights Council and Hmong and Laotian Americans and refugees supported and endorsed the decision of the nine leaders of the Vinai Refugee Camp issued on May 24, 1991. Now, Mr. Vue Mai is out of power in the refugee camp. Therefore, his letter of March 1, 1991, to the United Nations became null and void on the date of May 24, 1991.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1992–93

Mr. BROWN. Mr. President, I am pleased to join other members of the Foreign Relations Committee in this step of developing an effective State Department authorization bill. The chairman of the Subcommittee on Terrorism, Narcotics and International Operations is to be commended for his careful, thorough leadership and his many attempts to accommodate a wide range of views on many controversial topics.

The bill before us is currently within the administration's requested allocation. However, during the subcommittee and full committee markups, several changes were made in spending priorities—approximately $50 million was redirected from requested initiatives to those favored by members of the committee.

Although throughout the process we have reached agreement on many controversial provisions—frankly, many more than I had expected we would—a few have not been solved that are important.

Especially important to the State Department and the U.S. Information Agency [USIA] are the removal of three provisions currently in law that severely restrict their management flexibility and prevent natural economies necessary to maximize the effect of U.S. diplomatic efforts in a rapidly changing world environment. The first two prevent either the State Depart-

ment or USIA from closing any overseas posts without a one-for-one replacement with a post of a higher priority. It is obvious how severely constraining this provision is.

The third requires that USIA maintain the same proportionate levels of personnel overseas to those in the United States as they had in 1981. This requirement has clearly outlived its usefulness. The world has changed dramatically since 1981 as have the United States foreign policy commitments. As a result, Congress has mandated significant change at USIA since 1981. In the last 10 years, USIA has added 911 positions to support congressionally mandated or congressionally sponsored programs. This requirement is another example of Congress' ability to cut off its nose to spite its face: USIA reports an effort to comply completely with that section would require drastic reductions in broadcasting and educational exchange personnel—the very programs Congress has favored.

The bill is strongly grounded in support for the Baltic countries, for Israel, and for the growing democratic movement in Yugoslavia. It requires the administration to start investigating the feasibility of a Radio Free China and launches a top-to-bottom review of the State Department's personnel system.

We have undertaken efforts in this bill to ensure the National Endowment for Democracy begins an effective reform and gets back on its feet. In the Endowment's early years, many problems were uncovered with the Endowment's ability to account for its funds and to evaluate the effectiveness of its programs. Congress was assured in 1984, 1985, and 1986 these problems would be fixed. However, this year, the General Accounting Office released an audit of the Endowment that demonstrated, beyond any doubt, that these problems had not been rectified.

To ensure the Endowment fixes the many problems outlined in the report—such as awarding grants uncompetitively, not evaluating grants against a set of goals and objectives, and ineffectively tracking and auditing Endowment grants—the bill before us today includes provisions designed to require reform at the Endowment. Specifically, it withholds release of the additional $5 million requested for fiscal year 1992 until the NED reports it has complied with the GAO report and the GAO certifies it has complied. Also included is a provision to require USIA inspector general financial audits on a yearly basis.

In addition to these significant steps, the bill includes a provision designed to help get America's financial house back in order. The provision requires international credit checks before the United States makes international loans or grants, including those through a multilateral institution. The bill also withholds all arrearage payments to "special purpose" international organizations until the Secretary of State reports on the benefits to the United States of membership In these organizations and their effect on America's consumers.

Furthermore, the bill adds additional conditions to our sanctions against Iraq, requiring that sanctions remain in place until those Kuwaitis still held as prisoners in Iraq are released. It also includes an important provision expressing the sense of the Congress that resolving the fates of those prisoners of war or unaccounted for in Southeast Asia should be the Nation's highest foreign relations priority.

Taken as a whole, the bill represents an excellent effort, and a lot of hard work. I would like to thank Senator JOHN KERRY, and his hardworking, helpful staff. Nancy Stetson, the subcommittee staff director for the majority, has done an excellent job and has taken special pains to represent the views of all Senators on the committee. I would also like to thank Steve Polanski, Brad Cohen, and Mary Stakem of the majority staff for their hard work and many long hours, and without the hard work and advice of Bruce Rickerson and others on the minority staff and their many long days and nights, we would not have been ready to bring this to the floor.

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

COMPOSITION OF U.S. DELEGATIONS TO THE CSCE ASSEMBLY

Mr. DECONCINI. Mr. President, last November the heads of state or Government of the Conference on Security and Cooperation in Europe, recognizing the important role parliamentarians can play in the CSCE process, called for the creation of a CSCE parliamentary assembly. In early April of this year parliamentarians from the CSCE participating States gathered in Madrid to formally create the CSCE Assembly. Is my understanding correct that the legislation before the Senate today authorizes participation in the Assembly?

Mr. PELL. Yes. The Senator from Arizona is correct. This bill does authorize U.S. participation in the CSCE Assembly. Over the years the Commission on Security and Cooperation in Europe, cochaired by the distinguished Senator from Arizona, [Mr. DECONCINI], has played a leading role on the Helsinki process. The members of the Commission have developed a real expertise which will be indispensable to U.S. delegations at meetings of the CSCE Assembly.

Mr. DECONCINI. During House consideration of the State Department authorization bill, there was a colloquy between the Foreign Affairs Committee chairman, DANTE FASCELL, and chairman of the Helsinki Commission, STENY HOYER, on the inclusion of members of the Helsinki Commission on U.S. delegations to meetings of the CSCE Assembly. Is the Senator from Rhode Island familiar with this exchange?

Mr. PELL. I am. For the reasons outlined above, I urge the President of the Senate, upon recommendation of the majority and minority leaders of the Senate, to be sure that each U.S. delegation to the Assembly includes at least two members of the CSCE Commission.

Mr. DECONCINI. I thank the distinguished chairman for his kind remarks concerning the role of the CSCE Commission in the Helsinki process and for his recognition of the contribution its members will make to the work of the CSCE Assembly.

PRESSLER AMENDMENT NO. 892 TO STATE DEPARTMENT AUTHORIZATION BILL

Mr. BIDEN. Mr. President, I would like to note the dilemma that the Pressler amendment to the State Department authorization bill presented to me, and I suspect to many of my colleagues as well. I strongly support the full payment of U.S. arrearages to the United Nations, and have maintained that position over the past several years. The United Nations plays a critical role in world affairs, and has increasingly demonstrated its importance in recent months, as best exemplified by its successful efforts to help unify the international coalition against Saddam Hussein. In view of my regard for the work of the United Nations, I in no way want my vote in favor of the Pressler amendment to be misinterpreted as opposing U.S. payment of arrearages.

Nevertheless, the United Nations must act more diligently to ensure that U.S. citizens are hired fairly and in numbers commensurate with this Nation's overall contribution to the United Nations. I hope that the Pressler amendment will send a signal to the United Nations, as well as to the Bush administration, that we regard the fair and full employment of Americans by U.N. agencies to be a high priority.

Mr. LAUTENBERG. Mr. President, I rise in support of the State Department authorization bill. The bill includes a provision I authored, the Anti-Boycott Passport Act. The provision is aimed at reversing Arab League countries' outdated passport policies which isolate and stigmatize our friend Israel and prohibiting the State Department from acquiescing in these policies.

The provision resulted from an experience I had trying to obtain a visa for a leadership sanctioned trip to Saudi Arabia and Kuwait earlier this year. Saudi Arabia would not issue to me a visa because my passport has an Israeli entrance stamp. The Kuwaitis have a similar passport policy. So do a majority of the Arab League countries.

The State Department acquiesced to the Saudis by issuing to me a new dip-

lomatic passport and rendering my old diplomatic passport usable only for travel to Israel. That the Saudis wouldn't take an American passport from a United States Senator because of an Israeli entrance stamp is an outrage. So is the fact that the United States State Department acquiesces in the Arab boycott of Israel and stigmatizes our friend and ally Israel by issuing "Israel only" passports.

The provision in this bill is identical to a bill that I introduced. I am pleased that the full text of my bill is included in this legislation. Representatives BERMAN and SNOWE have introduced an identical bill in the House of Representatives, and a hearing was held on June 13.

The provision at issue would require Secretary Baker to instruct our Middle Eastern diplomatic corps to immediately commence negotiations with Arab countries toward a reversal of their passport policy. If, within 90 days of enactment, negotiations have not resulted in a commitment from each Arab country to reverse this policy, the State Department would be prohibited from issuing duplicate passports to officials of the U.S. Government traveling in the Middle East.

For nondiplomatic United States travelers, the legislation would prohibit so-called Israel only passports. So, for example, if the Saudis or any Arab League country want to persist in this policy, United States travelers would be issued "Saudi Only" or "Arab League Only" passports, and Saudi Arabia would suffer the stigma and isolation United States passport policies currently impose on Israel.

The provision would not restrict travel of nondiplomatic citizens as the State Department has said it would. The State Department could still issue duplicate passports for U.S. nondiplomatic citizens who want to travel to Israel and Arab League countries. But it could no longer stigmatize Israel by issuing an "Israel Only" passport. The State Department would be forced to place the stigma where it belongs—on the Arab countries—and not on Israel.

The provision would force the Arab League countries—which the United States defended in the recent war—to accept passports from United States officials even if they have visited Israel.

Americans were welcomed to Saudi Arabia when they were in uniform, ready to defend the sovereignty of those nations and the security of the entire Persian Gulf. But today Saudi Arabia and a majority of the Arab League countries refuse to admit Americans who have committed the offense of having visited Israel.

To accept this Arab behavior is to give tacit approval to the Arab League's policy of isolating Israel and refusing to accept her right to exist. American law and policy reject the Arab League boycott. Our companies are prohibited from complying with the boycott. We should expect no less from our diplomats and officials. They, too, should not be permitted to comply with the boycott of Israel.

The Arab practice of denying entry to United States citizens with Israeli stamps in their passports is an insult to every American and every American soldier who fought in Desert Storm. The administration can act on its own to reverse this archaic and misguided Arab policy. It should; but if it doesn't, we must enact this legislation and put an end to this outrageous practice.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. Under the previous order the Foreign Relations Committee is discharged from further consideration of H.R. 1415. All after the enacting clause is stricken. The text of S. 1433, as amended, is inserted in lieu thereof.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed for a third reading, and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The yeas and nays have not yet been ordered on the House bill, as amended.

Mr. KERRY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR], is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH] and the Senator from Oklahoma [Mr. NICKLES], are necessarily absent.

I further announce that, if present and voting the Seantor from Utah [Mr. HATCH] would vote "yea".

The result was announced—yeas 86, nays 11, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—86

Adams	Bond	Bumpers
Akaka	Boren	Burdick
Baucus	Bradley	Chafee
Bentsen	Breaux	Coats
Biden	Brown	Cochran
Bingaman	Bryan	Cohen
Cranston	Jeffords	Pell
D'Amato	Johnston	Pressler
Danforth	Kassebaum	Reid
Daschle	Kasten	Riegle
Dodd	Kennedy	Robb
Dole	Kerrey	Rockefeller
Domenici	Kerry	Roth
Durenberger	Kohl	Rudman
Exon	Lautenberg	Sanford
Ford	Leahy	Sarbanes
Fowler	Levin	Sasser
Garn	Lieberman	Seymour
Glenn	Lugar	Shelby
Gore	Mack	Simon
Gorton	McCain	Simpson
Graham	McConnell	Specter
Gramm	Metzenbaum	Stevens
Grassley	Mikulski	Thurmond
Harkin	Mitchell	Warner
Hatfield	Moynihan	Wellstone
Heflin	Murkowski	Wirth
Hollings	Nunn	Wofford
Inouye	Packwood	

NAYS—11

Burns	DeConcini	Smith
Byrd	Dixon	Symms
Conrad	Helms	Wallop
Craig	Lott	

NOT VOTING—3

Hatch	Nickles	Pryor

So the bill (H.R. 1415) as amended, was passed.

Mr. KERRY. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

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

The motion to lay on the table was agreed to.

Mr. KERRY. Mr. President, I believe we need to appoint conferees.

The PRESIDING OFFICER. Does the Senator wish to move to insist on a position and ask for a conference?

Mr. KERRY. Mr. President, I move that the Senate insist on its amendment, request a conference with the House, and that the Chair be authorized to appoint conferees.

The motion was agreed to; and the Presiding Officer (Mr. SANFORD) appointed Mr. PELL, Mr. KERRY, Mr. SIMON, Mr. MOYNIHAN, Mr. BIDEN, Mr. SARBANES, Mr. DODD, Mr. HELMS, Mr. LUGAR, Mrs. KASSEBAUM, Mr. PRESSLER, Mr. MURKOWSKI, and Mr. BROWN conferees on the part of the Senate.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I want to express my gratitude to Senator KERRY for the great job of managing that he did, and Senator MITCHELL for scheduling this. I also thank Senator HELMS and Senator BROWN; and also very much, indeed, Nancy Stetson and Steve Polansky.

Also, I thank all Senators for facilitating the passage of this legislation, without whose help this would not have happened.

Mr. KERRY. Mr. President, I thank the distinguished chairman of the Foreign Relations Committee, Senator PELL, for his succinct summary of the bill which we have just considered. At the start of this Congress, the Foreign Relations Committee adopted a new structure under which subcommittees

would take a more active role. Therefore, this bill was considered and marked up first at the subcommittee level by the Subcommittee on Terrorism, Narcotics and International Operations, which I Chair.

After holding five comprehensive hearings, the subcommittee on May 14 reported an original bill to the full committee by a 7 to 0 vote. As the chairman of the committee has already indicated, the committee favorably reported the bill to the Senate on June 12 by a unanimous vote of 18 to 0. These votes reflect the bipartisan process by which the bill was formulated and the strong support that it has engendered from both sides of the committee.

I would like to thank the ranking minority member of the subcommittee, HANK BROWN, for his cooperation and contributions throughout this process.

In marking up this bill, the subcommittee and the full committee endeavored to stay within the cap on discretionary spending for function 150—the international affairs function—set by the budget agreement. Therefore, increases in one account were offset by corresponding decreases in another account within the bill, with two exceptions. The committee lowered the authorization for foreign military financing in the foreign aid authorization bill in order to increase the authorization for migration and refugee assistance in this bill. The committee also offset $3.4 million for new academic exchanges by authorizing less than the administration's request for the Arms Control and Disarmament Agency.

This approach was taken deliberately in order to produce authorization levels that are realistic in budgetary terms. I hope my colleagues will bear this in mind if they are considering offering funding amendments. It is my hope that when the Senate finishes with this bill, the funding levels will continue to be reasonable in the context of the budget caps.

Mr. President, since this is the first time that the subcommittee has had responsibiliity for marking up this legislation, a rather conservative approach was taken. In many instances, the administration's requests were fully funded. However, in some important respects, priorities were reordered.

As the chairman of the committee has previously indicated, the authorization for migration and refugee assistance was increased by $110 million to a total of $600 million. It takes only a cursory look at the worldwide refugee situation to determine that the administration's fiscal year 1992 request—$490 million—is nowhere near enough to meet the needs. This request was based on an estimate of 15.7 million refugees. In the intervening months since the State Department's budget was prepared, conflicts in Liberia, Somalia, Iraq, and elsewhere have caused a dramatic increase in the number of refugees. Today, there are an estimated 18.2 million refugees. Clearly, the needs of these additional refugees need to be addressed and the committee has sought to do that through its higher authorization level.

The Foreign Relations Committee traditionally has been a strong proponent of international exchanges. In keeping with that tradition, the committee not only fully funded the administration's fiscal year 1992 request for exchanges but also restored the $2.7 million cut made by USIA—for budgetary purposes—for exchanges in Africa, Asia, and Latin America. In addition, the committee authorized over $13 million for new exchange programs including one for Vietnamese students that I proposed.

The fiscal year 1992 authorization for the State Department's building account was decreased by $50 million to offset the increases in other programs. Of this, $30 million went to the refugee account. The buildings account was used for offsets because it can absorb them. Funding for capital programs is disbursed more slowly than for other accounts.

In addition, in past years, the administration has frequently reprogrammed funds from and within the buildings account, often because of construction delays. The committee's authorization level, although $50 million less than the request, is still $162 million over the fiscal year 1991 appropriated level. That sum does not include the $130 million which the administration has requested and the committee has authorized for construction of the new office building at the U.S. Embassy in Moscow.

There are many views within the committee and indeed within the Congress on what construction option should be chosen for the Moscow Embassy. The bill before us leaves that question open. While I personally am inclined to support teardown and rebuild, I think that the most important issue is not the option but resolving the disagreement in order that work begin on one option or the other. This issue has been with us for far too long. If we in the Congress cannot reach agreement on what should be done, then clearly we ought to leave it up to the administration's discretion and let them get on with it.

Mr. President, I would like to mention three other important aspects of this bill. First, as our chairman has already noted, the bill authorizes both full funding for the assessed contributions to the United Nations and other international organizations and repayment of all outstanding arrearages. The administration requested full authorization for the arrearages this year. The committee willingly provided it.

Second, unlike the bill passed by the House, this bill authorizes appropriations for USIA for both fiscal years 1992 and 1993. The House provided only a 1-year authorization because of the review currently being conducted by the President's Task Force on U.S. Government International Broadcasting. The outcome of that review will have important ramifications for USIA's broadcasting activities.

Senator BROWN and I are fully prepared to examine all of these issues next year. However, we felt, and the full committee agreed, that USIA should not be penalized in the appropriations process for lack of an authorization for fiscal year 1993.

Third, as the chairman of the committee said, the fiscal year 1993 authorizations are generally a straight line of those for fiscal year 1992. This approach was taken because neither the administration's official requests nor the budget allocations for fiscal year 1993 have been finalized.

Mr. President, I believe that the bill we are about to consider is a reasonable piece of legislation. I want to thank the chairman and the ranking minority Member, Senator HELMS, for the support and encouragement that they have given to me and Senator BROWN throughout this process.

Mr. President, I particularly thank Senator BROWN for our working relationship. Also, I thank all the staff: Nancy Stetson, Steve Polansky, Brad Cohen, Bill Ashworth, and Mary Stakem; also the Republican staff: Carter Pilcher and Bruce Rickerson.

Mr. BROWN. Mr. President, I extend my particular thanks to Senator KERRY. He has been a delight to work with on this bill. He is too tough a negotiator, but outside of that, he has done a superb job.

Senator HELMS and Senator PELL have been particularly helpful and kind, along with their staff, Nancy Stetson, who has been most helpful to us, along with Deborah DeMoss and Bruce Rickerson on our side.

EMERGENCY UNEMPLOYMENT COMPENSATION

MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, there now will be 10 minutes of debate on the motion to proceed to S. 1554.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I would like to urge my colleagues to vote in favor of invoking cloture on the motion to proceed to S. 1554, the Emergency Unemployment Compensation Act of 1991.

No one disputes the pain and hardship of the unemployed and I think a debate on these important issues is time well spent.

It is unfortunate that the other side of the aisle is using this serious issue as a political game and apparently only decided to do so barely a week ago.

The Bentsen proposal appeared on my doorstep right before markup. Now, with no hearings, no report filed, and little consideration, we are marching to floor consideration so that my colleagues on the other side of the aisle have something to talk about over the August recess.

I had a meeting this afternoon which included Secretary of Labor, Lynn Martin and Dick Darman. I anticipate more such meetings as we evaluate alternatives to the Bentsen proposal.

I believe the Bentsen proposal is seriously flawed—it breaches the budget agreement and is unnecessarily costly and administratively complex.

I hope that we can come to some agreement very shortly.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator of Texas.

Mr. BENTSEN. Mr. President, we have held hearings on unemployment compensation and extended benefits. For some time, the staffs of the members of the committee have had the details of what we would propose. I had hoped we would be able to bring up unemployment compensation S. 1554, a bill providing extended benefits tonight.

Frankly, I think it would be a very serious mistake if we resorted to procedural maneuvers to try to delay the consideration and the vote until sometime after the August recess. We have 8.8 million people out of work. Unemployed workers are exhausting their regular benefits at the rate of some 300,000 a month. That means we are going to have another 300,000 who are going to be without benefits if we wait until September.

We reported this bill out of the committee by a vote of 16 to 4. We had bipartisan support for it there. I understand the administration does not consider this an emergency. But they did consider it an emergency when they wanted help for the Kurds; when they wanted help for the Turks; when they wanted help for the Israelis, and the Congress went along. We thought that was justified.

What we are asking now is for this administration to go along with us in looking after the unemployed in this country. Harry Truman used to say: It is a recession if your neighbor is out of work; it is a depression if you are out of work. That is what we are facing today across this country.

We have a situation here where parents may have a sick child yet they cannot take that child to the doctor because they do not have the money to handle the cost. They are out of work, have no health insurance and have run out of unemployment benefits. They need our help.

So what do they do? They wait until the child is too sick and finally take him or her to the emergency room. And then we have a situation where a father goes out in the morning and gets in his car to try to find work. He finds his car was repossessed the night before.

We have someone come home from Desert Storm and find he has to wait 4 weeks to get his benefits, and that then those benefits are going to be one-half of what the civilian gets. That is not right. That is not fair. And that Desert Storm veteran comes back to a very bad job market.

We take care of that situation in this legislation, and that is why it is important that we get this bill out of the Senate quickly. If we could get this voted on early, we could have it on the President's desk by the end of this week and thereby take the kind of action that ought to be taken to try to help Americans facing this kind of an emergency.

I really hope, Mr. President, we can see this problem resolved and that we can get Senate approval accomplished, and have the bill on the President's desk to see that those checks are available for families who have run out of their unemployment benefits. We have too many Americans who are hanging out there. These folks are really hurting.

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

VOTE

The PRESIDING OFFICER. All time has been yielded back. By unanimous consent, the quorum call has been waived. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1554, a bill to provide for the extension of unemployment insurance compensation benefits, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH] and the Senator from Oklahoma [Mr. NICKLES] are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. HATCH] would vote "yea."

The yeas and nays resulted—yeas 96, nays 1, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—96

Adams	Bradley	Chafee
Akaka	Breaux	Coats
Baucus	Brown	Cochran
Bentsen	Bryan	Cohen
Biden	Bumpers	Conrad
Bingaman	Burdick	Craig
Bond	Burns	Cranston
Boren	Byrd	D'Amato
Danforth	Johnston	Pressler
Daschle	Kassebaum	Reid
DeConcini	Kasten	Riegle
Dixon	Kennedy	Robb
Dodd	Kerrey	Rockefeller
Dole	Kerry	Roth
Domenici	Kohl	Rudman
Durenberger	Lautenberg	Sanford
Exon	Leahy	Sarbanes
Ford	Levin	Sasser
Fowler	Lieberman	Seymour
Garn	Lott	Shelby
Glenn	Lugar	Simon
Gore	Mack	Simpson
Gorton	McCain	Smith
Graham	McConnell	Specter
Gramm	Metzenbaum	Stevens
Grassley	Mikulski	Symms
Harkin	Mitchell	Thurmond
Hatfield	Moynihan	Wallop
Heflin	Murkowski	Warner
Hollings	Nunn	Wellstone
Inouye	Packwood	Wirth
Jeffords	Pell	Wofford

NAYS—1

Helms

NOT VOTING—3

Hatch Nickles Pryor

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

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

The PRESIDING OFFICER (Mr. WIRTH). WIthout objection, it is so ordered.

The majority leader is recognized.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 263, J. Michael Luttig to be U.S. circuit judge for the fourth circuit. I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nomination, considered and confirmed, is as follows:

THE JUDICIARY

J. Michael Luttig, of Virginia, to be U.S. circuit judge for the fourth circuit.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the 30 hours for debate postclosure on the motion to proceed to S. 1554, under the provisions of rule XXII, be deemed to have elapsed on Wednesday morning, July 31, upon the convening of the Senate, and at that time the motion to proceed be deemed agreed to, and that the Senate then be deemed to have filed a cloture motion on the bill.

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

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 179, H.R. 2698, the agriculture appropriations bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2698) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

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 stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2698

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, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $50,000 for employment under 5 U.S.C. 3109, **[**$2,282,000**]** *$2,150,000*: *Provided*, That not to exceed $8,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided*, That the Secretary may transfer salaries and expenses funds sufficient to finance a total of not to exceed 50 staff years between agencies of the Department of Agriculture to meet workload requirements.

OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Office of the Deputy Secretary of Agriculture, including not to exceed $25,000 for employment under 5 U.S.C. 3109, **[**$543,000**]** *$514,000*: *Provided*, That not to exceed $3,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Deputy Secretary.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, **[**$6,149,000**]** *$5,303,000*.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, **[**$596,000**]** *$576,000*.

RENTAL PAYMENTS (USDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Department of Agriculture which are included in this Act, **[**$50,808,000**]** *$51,598,000*, of which $5,000,000 shall be retained by the Department of Agriculture for non-recurring repairs as determined by the Department of Agriculture: *Provided*, That in the event an agency within the Department of Agriculture should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 10 per centum of the funds made available for space rental and related costs to or from this account.

BUILDING OPERATIONS AND MAINTENANCE

For the operation, maintenance, and repair of Agriculture buildings pursuant to the delegation of authority from the Administrator of General Services authorized by 40 U.S.C. 486, **[**$25,700,000**]** *$25,349,000*.

ADVISORY COMMITTEES (USDA)

For necessary expenses for activities of advisory committees of the Department of Agriculture which are included in this Act, **[**$1,918,000**]** *$2,038,000*: *Provided*, That no other funds appropriated to the Department of Agriculture in this Act shall be available to the Department of Agriculture for support of activities of advisory committees.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107g of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607g, and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961, **[**$27,943,000**]** *$24,757,000*, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department of Agriculture for hazardous waste management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands: *Provided further, That funds provided herein shall not be available for obligation until September 20, 1992.*

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Personnel, Finance and Management, Operations, Information Resources Management, Advocacy and Enterprise, and Administrative Law Judges and Judicial Officer, **[**$25,014,000**]** *$24,764,000*; and in addition, for payment of the USDA share of the National Communications System, $50,000; making a total of **[**$25,064,000**]** *$24,814,000* for Departmental Administration to provide for necessary expenses for management support services to offices of the Department of Agriculture and for general administration and emergency preparedness of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded in this Act, **[**$1,307,000**]** *$1,265,000*.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, and for the dissemination of agricultural information and the coordination of information, work and programs authorized by Congress in the Department, $8,925,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins and not fewer than two hundred thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by 44 U.S.C. 1301: *Provided*, That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

INTERGOVERNMENTAL AFFAIRS

For necessary expenses for programs involving intergovernmental affairs and liaison within the executive branch, $468,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, as amended, **[**$62,786,000**]** *$60,786,000*, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to sec-

tion 6(a)(8) of the Inspector General Act of 1978, as amended, and including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed $95,000 for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $24,554,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ECONOMICS

For necessary expenses of the Office of the Assistant Secretary for Economics to carry out the programs funded in this Act, [$580,000] *$563,000*.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, costs and returns in farming, and farm finance; research relating to the economic and marketing aspects of farmer cooperatives; and for analysis of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products, [$59,125,000] *$56,245,000*; of which $500,000 shall be available for investigation, determination and finding as to the effect upon the production of food and upon the agricultural economy of any proposed action affecting such subject matter pending before the Administrator of the Environmental Protection Agency for presentation, in the public interest, before said Administrator, other agencies or before the courts: *Provided*, That this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and the consumer: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225): *Provided further*, That this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, [$83,401,000] *$75,447,000*: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

WORLD AGRICULTURAL OUTLOOK BOARD

For necessary expenses of the World Agricultural Outlook Board to coordinate and review all commodity and aggregate agricultural and food data used to develop outlook and situation material within the Department of Agriculture, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), [$2,367,000] *$2,341,000*: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

OFFICE OF THE ASSISTANT SECRETARY FOR SCIENCE AND EDUCATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Science and Education to administer the laws enacted by the Congress for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and National Agricultural Library, [$560,000] *$544,000*.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION

For necessary expenses to carry out the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901–5908), $5,000,000.

AGRICULTURAL RESEARCH SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for), home economics or nutrition and consumer use, and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, [$658,424,000] *$629,143,000*: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That funds appropriated herein can be used to provide financial assistance to the organizers of national and international conferences, if such conferences are in support of agency programs: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available to conduct marketing research: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed $500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building or $250,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That the foregoing limitations shall not apply to the purchase of land [or the construction of facilities as may be necessary for the relocation of the United States Horticultural Crops Research Laboratory at Fresno to Parlier, California, and the relocation of the laboratories at Behoust, France and Rome, Italy to Montpelier, France, including the sale or exchange at fair market value of existing land and facilities at Fresno, California and Behoust, France; and the use of proceeds from the sale, which shall be deposited in a trust fund in the United States Treasury and which shall remain available until expended, for acquisition of real property and equipment, for construction of replacement facilities, and for relocation costs; and the Agricultural Research Service may lease such existing land and facilities from the purchasers until completion of the replacement facilities] *at Weslaco, Texas*: *Provided further*, That not to exceed $190,000 of this appropriation may be transferred to and merged with the appropriation for the Office of the Assistant Secretary for Science and Education for the scientific review of international issues involving agricultural chemicals and food additives: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

Special fund: To provide for additional labor, subprofessional, and junior scientific help to be employed under contracts and cooperative agreements to strengthen the work at Federal research installations in the field, $2,500,000.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, [$49,473,000] *$61,818,000*: *Provided*, That facilities to house Bonsai collections at the National Arboretum may be constructed with funds accepted under the provisions of Public Law 94–129 (20 U.S.C. 195) and the limitation on construction contained in the Act of August 24, 1912 (40 U.S.C. 68) shall not apply to the construction of such facilities.

COOPERATIVE STATE RESEARCH SERVICE

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $168,785,000 to carry into effect the provisions of the Hatch Act approved March 2, 1887, as amended, including administration by the United States Department of Agriculture, penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $18,533,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a–582–a7), as amended, including administrative expenses, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $27,400,000 for payments to the 1890 land-grant colleges, including Tuskegee University, for research under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222), as amended, including administration by the United States Department of Agriculture, and penalty mail costs of the 1890 land-grant colleges, including Tuskegee University; [$58,299,000] *$61,978,000* for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i); [$99,000,000] *$102,000,000, of which*

$25,000,000 shall not be available for obligation until September 20, 1992, for competitive research grants, including administrative expenses; $5,551,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95–113, including administrative expenses; [$1,168,000] *$500,000* for supplemental and alternative crops and products as authorized by the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d); [$300,000] *$1,300,000* for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended; $475,000 for rangeland research grants as authorized by subtitle M of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended; [not to exceed $5,000,000 for higher education grants under section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152), including administrative expenses;] *$3,500,000 for higher education graduate fellowships grants under section 1417(b)(6) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(6)), including administrative expenses; $1,500,000 for higher education challenge grants under section 1417(b)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(1)), including administrative expenses; [$4,000,000] $3,750,000* for grants as authorized by section 1475 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 and other Acts; $6,725,000 for sustainable agriculture research and education, as authorized by section 1621 of Public Law 101–624 (7 U.S.C. 5811), including administrative expenses; *$400,000 for State agricultural weather information systems pursuant to section 1640 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5854), and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318);* and [$17,650,000] *$17,391,000* for necessary expenses of Cooperative State Research Service activities, including coordination and program leadership for higher education work of the Department, administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which $8,580,000 shall be for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, [$412,886,000] *$419,788,000.*

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities and for grants to States and other eligible recipients for such purposes, as necessary to carry out the agricultural research, extension and teaching programs of the Department of Agriculture, where not otherwise provided, [$62,529,000] *$60,769,000.*

EXTENSION SERVICE

Payments to States, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas and American Samoa: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended, to be distributed under sections 3(b) and 3(c) of said Act, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $262,712,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $60,525,000; [payments for the urban gardening program under section 3(d) of the Act, $3,557,000;] payments for the pest management program under section 3(d) of the Act, [$8,950,000] *$7,450,000*; payments for the farm safety program under section 3(d) of the Act, [$1,970,000] *$2,970,000*; payments for the pesticide impact assessment program under section 3(d) of the Act, [$3,580,000] *$3,230,000*; grants to upgrade 1890 land-grant college extension facilities as authorized by section 1416 of Public Law 99–198, $9,508,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $950,000; payments for extension work under section 209(c) of Public Law 93–471, [$1,031,000] *$991,000*; payments for a groundwater quality program under section 3(d) of the Act, [$12,375,000] *$10,375,000*; for special grants for financially stressed farmers and dislocated farmers as authorized by Public Law 100–219, $2,550,000; *payments for the Agricultural Telecommunications Program, as authorized by Public Law 100–624 (7 U.S.C. 5926), $2,000,000;* payments for youth-at-risk programs under section 3(d) of the Act, $10,000,000; [payments for a food safety program under section 3(d) of the Act, $1,750,000;] payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 under section 3(d) of the Act, $2,765,000; *payments for Indian reservation agents under section 3(d) of the Act, $2,000,000;* and payments for extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326, 328) and Tuskegee University, [$25,755,000] *$23,706,000*; in all, [$407,978,000] *$401,732,000*, of which not less than $79,400,000 is for Home Economics: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

Federal administration and coordination: For administration of the Smith-Lever Act, as amended, and the Act of September 29, 1977 (7 U.S.C. 341–349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, [$9,079,000] *$10,397,000*, of which not less than $2,300,000 is for Home Economics.

NATIONAL AGRICULTURAL LIBRARY

For necessary expenses of the National Agricultural Library, [$17,253,000] *$17,149,000*: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $35,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $900,000 shall be available pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements: *Provided further, That $500,000 shall be available for a grant pursuant to section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3818), in addition to other funds available in this appropriation for grants under this section.*

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND INSPECTION SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Inspection Services to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, Federal Grain Inspection Service, Agricultural Cooperative Service, Agricultural Marketing Service and Packers and Stockyards Administration, [$550,000] *$535,000.*

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, [$426,903,000] *$415,987,000*, of which [$85,922,000] *$78,356,000* shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account, and of which [$5,000,000] *$4,500,000* shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided*, That $500,000 of the funds for control of the fire ant shall be placed in reserve for matching purposes with States which may come into the program: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 per centum: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That none of these funds shall be used to develop, establish, or operate any user fee program for agricultural quarantine and inspection to prevent the movement of exotic pests and diseases from Hawaii and Puerto Rico as authorized by 31 U.S.C. 9701: *Provided further, That none of these funds shall be used to relocate the United States Department of Agriculture Animal and Plant Health Inspection Service's Methods Development Center from its present site in Hobo-*

ken, New Jersey, to a site in any other State before September 30, 1992.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, **[**$21,396,000**]** *$20,900,000, of which $4,998,000 shall not be available for obligation until September 20, 1992.*

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, $473,512,000: *Provided*, That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

FEDERAL GRAIN INSPECTION SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $20,000 for employment under 5 U.S.C. 3109, **[**$11,397,000**]** *$10,557,000*: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further*, That none of the funds provided by this Act may be used to pay the salaries of any person or persons who require, or who authorize payments from fee-supported funds to any person or persons who require nonexport, nonterminal interior elevators to maintain records not involving official inspection or official weighing in the United States under Public Law 94–582 other than those necessary to fulfill the purposes of such Act.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed **[**$39,383,000**]** *$40,176,000* (from fees collected) shall be obligated during the current fiscal year for Inspection and Weighing Services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 per centum with notification to the Appropriations Committees.

AGRICULTURAL COOPERATIVE SERVICE

For necessary expenses to carry out the Cooperative Marketing Act of July 2, 1926 (7 U.S.C. 451–457), and for activities relating to the marketing aspects of cooperatives, including economic research and analysis and the application of economic research findings, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), and for activities with institutions or organizations throughout the world concerning the development and operation of agricultural cooperatives (7 U.S.C. 3291), **[**$5,640,000**]** *$5,140,000*: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $15,000 shall be available for employment under 5 U.S.C. 3109*: Provided further, That $99,000 of these funds shall be available for a field office in Hawaii.*

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $90,000 for employment under 5 U.S.C. 3109, **[**$56,636,000**]** *$42,066,000*; of which not less than $2,313,000 shall be available for the Wholesale Market Development Program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $50,735,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the Agency may exceed this limitation by up to 10 per centum with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $10,360,000 for formulation and administration of Marketing Agreements and Orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

In fiscal year 1992, $50,000,000 of section 32 funds shall be used to purchase sunflower and cottonseed oil, as authorized by section 1541 of Public Law 101–624, and such purchases shall be used to facilitate additional sales of such oils in world markets.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,250,000.

MISCELLANEOUS TRUST FUNDS

[For expenses necessary to recapitalize Dairy Graders, $1,250,000, and to capitalize the Laboratory Accreditation Program, $400,000, making a total of $1,650,000**]** *For expenses necessary to capitalize the Laboratory Accreditation Program, $600,000*, under the Agricultural Marketing Act of 1946 (7 U.S.C. 1623).

PACKERS AND STOCKYARDS ADMINISTRATION

For necessary expenses for administration of the Packers and Stockyards Act, as authorized by law, and for certifying procedures used to protect purchasers of farm products, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $5,000 for employment under 5 U.S.C. 3109, **[**$12,009,000**]** *$11,859,000*.

FARM INCOME STABILIZATION

OFFICE OF THE UNDER SECRETARY FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for International Affairs and Commodity Programs to administer the laws enacted by Congress for the Agricultural Stabilization and Conservation Service, Office of International Cooperation and Development, Foreign Agricultural Service, and the Commodity Credit Corporation, **[**$551,000**]** *$531,000*.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301–1393); the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.); sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act, as amended and supplemented (16 U.S.C. 590g–590o, 590p(a), 590p(f), and 590q); sections 1001 to 1004, 1006 to 1008, and 1010 of the Agricultural Act of 1970 as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501 to 1504, 1506 to 1508, and 1510); the Water Bank Act, as amended (16 U.S.C. 1301–1311); the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101); sections 202(c) and 205 of title II of the Colorado River Basin Salinity Control Act of 1974, as amended (43 U.S.C. 1592(c), 1595); sections 401, 402, and 404 to 406 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 to 2205); the United States Warehouse Act, as amended (7 U.S.C. 241–273); and laws pertaining to the Commodity Credit Corporation, **[**$720,705,000; of which $719,289,000 is hereby appropriated, and $573,000**]** *$720,436,000; of which not to exceed $719,289,000 is to be derived by transfer from the Commodity Credit Corporation fund, and $558,000* is transferred from the Public Law 480 Program Account in this Act and $589,000 is transferred from the Commodity Credit Corporation Program Account in this Act: *Provided*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no part of the funds made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated pro-

gram functions prescribed in administrative regulations[*:Provided further,* That none of the funds appropriated or otherwise made available by this Act shall be used to establish or implement a wetlands reserve program as authorized by 16 U.S.C. 3837 et seq]: *Provided further, That funds contained herein shall be available for establishing and maintaining a National Appeals Division provided for under section 426 of the Agricultural Act of 1949.*

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968, as amended (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $5,000: *Provided,* That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government: *Provided further,* That this amount shall be transferred to the Commodity Credit Corporation: *Provided further,* That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided:

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, as authorized by the Federal Crop Insurance Act, as amended (7 U.S.C. 1516), $322,870,000: *Provided,* That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 508(b) of the Federal Crop Insurance Act, as amended, [$221,500,000] *$260,500,000.*

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1992, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be $9,000,000,000 in the President's fiscal year 1992 Budget Request (H. Doc. 102–3)), but not to exceed $8,450,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a–11).

Such funds are appropriated to reimburse the Corporation to restore losses incurred during prior fiscal years. Such losses for fiscal years 1990 and 1991 include $900,000,000 in connection with carrying out the Export Enhancement Program (EEP), $200,000,000 in connection with carrying out the Market Promotion Program (MPP), formerly the Targeted Export Assistance Program (TEA), $300,000,000 in connection with carrying out the Federal Crop Insurance Program, $445,773,000 in connection with domestic donations, $281,605,000 in connection with export donations, and $6,322,622,000 in connection with carrying out the commodity programs.

[OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

[For fiscal year 1992, CCC shall not expend more than $5,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: *Provided,* That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation.]

GENERAL SALES MANAGER

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the General Sales Manager, [$9,103,000] *$9,071,000,* of which $5,098,000 may be transferred from Commodity Credit Corporation funds, $2,731,000 may be transferred from the Commodity Credit Corporation Program Account in this Act and [$1,274,000] *$1,242,000* may be transferred from the Public Law 480 Program Account in this Act. Of these funds, up to $4,000,000 shall be available only for the purpose of selling surplus agricultural commodities from Commodity Credit Corporation inventory in world trade at competitive prices for the purpose of regaining and retaining our normal share of world markets. The General Sales Manager shall report directly to the Secretary of Agriculture. The General Sales Manager shall obtain, assimilate, and analyze all available information on developments related to private sales, as well as those funded by the Corporation, including grade and quality as sold and as delivered, including information relating to the effectiveness of greater reliance by the General Sales Manager upon loan guarantees as contrasted to direct loans for financing commercial export sales of agricultural commodities out of private stocks on credit terms, as provided in titles I and II of the Agricultural Trade Act of 1978, Public Law 95–501, and shall submit quarterly reports to the appropriate committees of Congress concerning such developments.

TITLE II—CONSERVATION PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Assistant Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Soil Conservation Service, [$563,000] *$543,000.*

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–590f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100; purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $564,129,000, of which not less than $5,713,000 is for snow survey and water forecasting and not less than $8,064,000 is for operation and establishment of the plant materials centers: *Provided,* That of the foregoing amounts not less than [$411,800,000] *$400,000,000* is for personnel compensation and benefits: *Provided further,* That except for $2,399,000 for improvements of the plant materials centers, the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed $10,000, except for one building to be constructed at a cost not to exceed $100,000 and eight buildings to be constructed or improved at a cost not to exceed $50,000 per building and except that alterations or improvements to other existing permanent buildings costing $5,000 or more may be made in any fiscal year in an amount not to exceed $2,000 per building: *Provided further,* That when buildings or other structures are erected on non-Federal land that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further,* That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a–590f) in demonstration projects: *Provided further,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2).

The Secretary of Agriculture is authorized to construct buildings and related facilities on federally owned land in Skagit County, Washington, for plant materials purposes: Provided, That the total amount of expenditures for the buildings and facilities on the site shall be derived from, and shall not exceed, the amount of money received from the exchange of lands in Skagit County, and Bellingham, Washington.

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1006–1009), $13,251,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $60,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001–1008), $9,545,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001–1005, 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, [$205,238,000] *$205,266,000* (of which [$30,091,000] *$36,091,000* shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed [$30,000,000] *$20,028,000* shall be available for emergency measures as provided by sections [403–405] *401–405* of the Agricultural Credit Act of 1978 (16 U.S.C. [2203–2205] *2201–2205*), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That $4,000,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010–1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and the provisions of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), [$32,516,000] *$31,236,000*: *Provided*, That $600,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956, as amended (16 U.S.C. 590p(b)), $25,271,000, to remain available until expended (16 U.S.C. 590p(b)(7)).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g–590o, 590p(a), 590p(f), and 590q), and sections 1001–1004, 1006–1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501–1504, 1506–1508, and 1510), and including not to exceed $15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, [$194,435,000] *$193,652,000*, to remain available until expended (16 U.S.C. 590o), for agreements, excluding administration but including technical assistance and related expenses (16 U.S.C. 590o), except that no participant in the Agricultural Conservation Program shall receive more than $3,500 per year, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community, or where a participant has a long-term agreement, in which case the total payment shall not exceed the annual payment limitation multiplied by the number of years of the agreement: *Provided*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetlands Types 3 (III) through 20 (XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended, as determined and recommended by the county committees, approved by the State committees and the Secretary, under programs provided for herein: *Provided further*, That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pollution abatement benefits: *Provided further*, That not to exceed 5 per centum of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the Agricultural Conservation Program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current year's program $2,500,000 shall be available for technical assistance in formulating and carrying out rural environmental practices: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities" approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18 U.S.C. 1913 to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels: *Provided further, That not to exceed $3,500,000 of the amount appropriated shall be used for water quality payments and practices in the same manner as permitted under the program for water quality which is authorized by section 1439 of the Food, Agriculture, Conservation, and Trade Act of 1990, such amount to remain available until expended for cost-share payments, incentive payments, technical assistance and other disbursements as may be determined to be needed for this purpose: Provided further, That notwithstanding the Soil Conservation and Domestic Allotment Act or any other provisions of law, the Agricultural Stabilization and Conservation Service may share irrigation system connection costs, including but not limited to water meters, connecting pipe, and other installation charges, incurred by Hawaiian Home Land homesteaders operating land having a history of irrigation: Provided further, That such cost sharing shall be in accordance with the Agricultural Conservation Program, and conducted with the existing funds allocated to Hawaii.*

[AGRICULTURAL WATER QUALITY INCENTIVE PROGRAM

[For necessary expenses to carry into effect the program authorized in chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.), $3,500,000.]

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $12,446,000, to remain available until expended, as authorized by that Act.

WATER BANK PROGRAM

For necessary expenses to carry into effect the provisions of the Water Bank Act (16 U.S.C. 1301–1311), $18,620,000, to remain available until expended.

[EMERGENCY CONSERVATION PROGRAM

[For necessary expenses to carry into effect the program authorized in sections 401, 402, and 404 of title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201–2205), $10,000,000, to remain available until expended, as authorized by 16 U.S.C. 2204.]

COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

For necessary expenses for carrying out a voluntary cooperative salinity control program pursuant to section 202(c) of title II of the Colorado River Basin Salinity Control Act, as amended (43 U.S.C. 1592(c)), to be used to reduce salinity in the Colorado River and to enhance the supply and quality of water available for use in the United States and the Republic of Mexico, $14,783,000, to be used for investigations and surveys, for technical assistance in developing conservation practices and in the preparation of salinity control plans, for the establishment of on-farm irrigation management systems, including related lateral improvement meas-

ures, for making cost-share payments to agricultural landowners and operators, Indian tribes, irrigation districts and associations, local governmental and nongovernmental entities, and other landowners to aid them in carrying out approved conservation practices as determined and recommended by the county ASC committees, approved by the State ASC committees and the Secretary, and for associated costs of program planning, information and education, and program monitoring and evaluation: *Provided*, That the Soil Conservation Service shall provide technical assistance and the Agricultural Stabilization and Conservation Service shall provide administrative services for the program, including but not limited to, the negotiation and administration of agreements and the disbursement of payments: *Provided further*, That such program shall be coordinated with the regular Agricultural Conservation Program and with research programs of other agencies.

CONSERVATION RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the conservation reserve program pursuant to the Food Security Act of 1985 (16 U.S.C. 3831–3845), **[**$1,642,760,000**]** *$1,611,277,000*, to remain available until expended, to be used for Commodity Credit Corporation expenditures for cost-share assistance for the establishment of conservation practices provided for in approved conservation reserve program contracts, for annual rental payments provided in such contracts, and for technical assistance: *Provided*, That none of the funds in this Act may be used to enter into new contracts that are in excess of the prevailing local rental rates for an acre of comparable land.

WETLANDS RESERVE PROGRAM

For necessary expenses to carry out the Wetlands Reserve Program pursuant to section 1438 of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 3837), $91,000,000, to remain available until expended, to be used for (1) payments for wetland easements, either in a lump sum or over a period of five to twenty years for permanent easements, or over a period of five to twenty years for wetland easements which are not permanent but are, notwithstanding any other provision of law, for fifteen years or thirty years or the maximum duration allowed under applicable State law; (2) cost-share assistance for the cost of carrying out the establishment of conservation measures and practices as provided for in approved wetland reserve program contracts; (3) other appropriate cost-share assistance for wetland protection; and (4) technical assistance: Provided, That this amount shall be transferred to the Commodity Credit Corporation for use in carrying out this program: Provided further, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the program: Provided further, That none of the funds made available by this Act shall be used to enter in excess of 100,000 acres in fiscal year 1992 into the Wetlands Reserve Program provided for herein.

TITLE III—FARMERS HOME AND RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR SMALL COMMUNITY AND RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Small Community and Rural Development to administer programs under the laws enacted by the Congress for the Farmers Home Administration, Rural Electrification Administration, Federal Crop Insurance Corporation, and rural development activities of the Department of Agriculture, **[**$572,000**]** *$552,000*.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, as amended, to be available from funds in the Rural Housing Insurance Fund, as follows: **[**$1,626,451,000**]** *$1,406,451,000* for loans to section 502 borrowers, as determined by the Secretary, of which **[**$350,000,000**]** *$100,000,000* shall be for unsubsidized guaranteed loans; $11,330,000 for section 504 housing repair loans; $16,300,000 for section 514 farm labor housing; $573,900,000 for section 515 rental housing; *and* $600,000 for site loans**[**;-and $284,000,000 for credit sales of acquired property**]**: *Provided, That up to $35,000,000 of these funds shall be made available for section 502(g), Deferral Mortgage Demonstration.*

For an amount, for the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans, as follows: low-income housing section 502 loans, **[**$324,896,000**]** *$287,591,000*, of which **[**$12,360,000**]** *$1,130,000* shall be for guaranteed loans; section 504 housing repair loans, **[**$5,280,000**]** *$4,999,000*; section 514 farm labor housing, **[**$9,536,000**]** *$9,002,000*; section 515 rental housing, **[**$268,585,000**]** *$248,499,000*; **[**and credit sales of acquired property, $40,612,000**]** *and site loans, $9,000*.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, **[**$425,173,000**]** *$428,746,000*.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Housing Act of 1949, as amended, **[**$308,100,000**]** *$319,900,000*: *Provided*, That of this amount not more than $11,800,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That of this amount not less than $128,158,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, as amended, and not more than $5,214,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: *Provided further*, That $174,728,000 is available for expiring agreements and for servicing of existing units without agreements: *Provided further*, That agreements entered into or renewed during fiscal year 1992 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated: *Provided further*, That agreements entered into or renewed during fiscal years 1988, 1989, 1990, and 1991 may also be extended beyond five years to fully utilize amounts obligated.

SELF-HELP HOUSING LAND DEVELOPMENT FUND PROGRAM ACCOUNT

For direct loans pursuant to section 523(b)(1)(B) of the Housing Act of 1949, as amended (42 U.S.C. 1490c), $500,000.

For an amount, for the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans, $43,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $21,000.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, **[**$555,500,000**]** *$861,000,000*, of which **[**$509,000,000**]** *$774,000,000* shall be for guaranteed loans; operating loans, **[**$3,500,000,000**]** *$1,840,000,000*, of which **[**$2,600,000,000**]** *$1,000,000,000* shall be for guaranteed loans; $7,000,000 for water development, use, and conservation loans, of which $1,500,000 shall be for guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $1,000,000; *and* for emergency insured and guaranteed loans, $600,000,000 to meet the needs resulting from natural disasters**[**;-and for credit sales of acquired property, $250,000,000.**]**

For an amount, for the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans, as follows: Farm ownership loans, **[**$33,359,000**]** *$58,735,000*, of which **[**$15,270,000**]** *$38,870,000* shall be for guaranteed loans; operating loans, **[**$220,200,000**]** *$141,412,000*, of which **[**$31,200,000**]** *$12,475,000* shall be for guaranteed loans; **[**$2,615,000**]** *$499,000* for water development, use, and conservation loans, of which **[**$30,000**]** *$43,000* shall be for guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, **[**$1,000,000**]** *$253,000*; for emergency insured and guaranteed loans, **[**$32,100,000**]** *$121,560,000* to meet the needs resulting from natural disasters; *and* for watershed, flood and resource conservation loans, **[**$2,162,000**]** *$2,000***[**;-*and for credit sales of acquired property, $117,500,000.***]**

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, **[**$230,179,000**]** *$229,557,000*.

[During fiscal year 1992 none of the funds in this Act may be used to make loans in excess of the foregoing amounts, except to the extent provided in advance in an Appropriations Act.**]**

Hereafter, no funds in this Act or any other Act shall be available to carry out loan programs under the Agricultural Credit Insurance Fund at levels other than those provided for in advance in appropriations Acts.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $3,750,000.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928 and 86 Stat. 661–664, as amended, to be available from funds in the Rural Development Insurance Fund, as follows: water and sewer facility loans, **[**$635,000,000**]** *$535,000,000*, of which $35,000,000 shall be for guaranteed loans; community facility loans, $125,000,000, of which $25,000,000 shall be for guaranteed loans; and guaranteed industrial development loans, $100,000,000*: Provided, That none of the funds made available in this Act may be used to make transfers between the above limitations.*

For an amount, for the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans, as follows: water and sewer facility loans, **[**$96,840,000**]** *$75,530,000*, of which **[**$840,000**]** *$630,000* shall be for guaranteed loans; com-

munity facility loans, [$14,325,000] *$12,519,000*, of which [$325,000] *$508,000* shall be for guaranteed loans; and guaranteed industrial development loans, [$7,920,000] *$5,870,000*.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, [$54,906,000] *$52,286,000*.

RURAL DEVELOPMENT LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), [$22,050,000] *$16,260,000*: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $32,500,000.

In addition, for administrative expenses necessary to carry out the direct loan programs, [$689,000] *$656,000*.

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), $350,000,000, to remain available until expended, pursuant to section 306(d) of the above Act: *Provided*, That these funds shall not be used for any purpose not specified in section 306(a) of the Consolidated Farm and Rural Development Act.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For grants to the very low-income elderly for essential repairs to dwellings pursuant to section 504 of the Housing Act of 1949, as amended, $12,500,000, to remain available until expended.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to eligible nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), $11,000,000, to remain available until expended.

MUTUAL AND SELF-HELP HOUSING

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $8,750,000.

[SUPERVISORY AND TECHNICAL ASSISTANCE GRANTS

[For grants pursuant to sections 509(g)(6) and 525 of the Housing Act of 1949, $2,500,000, to remain available until expended.]

RURAL COMMUNITY FIRE PROTECTION GRANTS

[For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95-313), $3,500,000 to fund up to 50 per centum of the cost of organizing, training, and equipping rural volunteer fire departments.

COMPENSATION FOR CONSTRUCTION DEFECTS

For compensation for construction defects as authorized by section 509(c) of the Housing Act of 1949, as amended, $500,000, to remain available until expended.

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation as authorized by section 552 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181), $23,000,000.

RURAL DEVELOPMENT GRANTS

For grants authorized under section 310B(c) (7 U.S.C. 1932) *of the Consolidated Farm and Rural Development Act* to any qualified public or private nonprofit organization, $20,750,000: *Provided*, That $500,000 shall be available for grants to qualified nonprofit organizations to provide technical assistance and training for rural communities needing improved passenger transportation systems or facilities in order to promote economic development: *Provided further, That $2,000,000 shall be available for grants to statewide private, nonprofit public television systems in predominantly rural States to provide information and services on rural economics and agriculture: Provided further*, That, effective for fiscal year 1991 and thereafter, grants made pursuant to this appropriation shall not be subject to any dollar limitation unless such limitation is set forth in law.

SOLID WASTE MANAGEMENT GRANTS

For grants for pollution abatement and control projects authorized under section 310B(b) (7 U.S.C. 1932) of the Consolidated Farm and Rural Development Act, [$1,500,000] *$3,000,000*: *Provided*, That such assistance shall include regional technical assistance for improvement of solid waste management.

EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS

For emergency community water assistance grants as authorized under section 306B (7 U.S.C. 1926b) of the Consolidated Farm and Rural Development Act, $10,000,000.

OFFICE OF THE ADMINISTRATOR

For necessary salaries and expenses of the Office of the Administrator of the Farmers Home Administration, $600,000: *Provided*, That no other funds in this Act shall be available for this Office.

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-2000), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471-1490o); the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440-444), for administering the loan program authorized by title III-A of the Economic Opportunity Act of 1964 (Public Law 88-452 approved August 20, 1964), as amended, and such other programs which the Farmers Home Administration has the responsibility for administering, [$748,584,000] *$750,225,000*; of which [$37,637,000] *$38,959,000* is hereby appropriated, [$425,173,000] *$428,746,000* shall be derived by transfer from the Rural Housing Insurance Fund Program Account and merged with this account, [$230,179,000] *$229,557,000* shall be derived by transfer from the Agricultural Credit Insurance Fund Program Account and merged with this account, [$54,906,000] *$52,286,000* shall be derived by transfer from the Rural Development Insurance Fund Program Account and merged with this account, *$21,000 shall be derived by transfer from the Self-Help Housing Land Development Fund Program Account and merged with this account*, and [$689,000] *$656,000* shall be derived by transfer from the Rural Development Loans Program Account and merged with this account: *Provided*, That not to exceed $500,000 of this appropriation may be used for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed [$3,670,000] *$4,300,000* of this appropriation shall be available for contracting with the National Rural Water Association or other equally qualified national organization for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That, in addition to any other authority that the Secretary may have to defer principal and interest and forego foreclosure, the Secretary may permit, at the request of the borrowers, the deferral of principal and interest on any outstanding loan made, insured, or held by the Secretary under this title, or under the provisions of any other law administered by the Farmers Home Administration, and may forego foreclosure of any such loan, for such period as the Secretary deems necessary upon a showing by the borrower that due to circumstances beyond the borrower's control, the borrower is temporarily unable to continue making payments of such principal and interest when due without unduly impairing the standard of living of the borrower. The Secretary may permit interest that accrues during the deferral period on any loan deferred under this section to bear no interest during or after such period: *Provided*, That, if the security instrument securing such loan is foreclosed, such interest as is included in the purchase price at such foreclosure shall become part of the principal and draw interest from the date of foreclosure at the rate prescribed by law.

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), as follows:

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: rural electrification loans, [not less than] $622,050,000 [nor more than $933,075,000;] and rural telephone loans, [not less than] $239,250,000 [nor more than $311,025,000]; to remain available until expended: *Provided*, That loans made pursuant to section 306 of that Act are in addition to these amounts but during fiscal year 1992 total commitments to guarantee loans pursuant to section 306 shall be [not less than] $933,075,000 [nor more than $2,100,615,000] of contingent liability for total loan principal: *Provided further*, That loans may be modified in an amount not to exceed $493,700,000: *Provided further*, That as a condition of approval of insured electric loans during fiscal 1992, borrowers shall obtain concurrent supplemental financing in accordance with the applicable criteria and ratios in effect as of July 15, 1982[:-*Provided further*, That no funds appropriated in this Act may be used to deny or reduce loans or loan advances based upon a borrower's level of general funds:] *Provided further, That no funds appropriated in this Act may be used to develop or implement any other test, ratio, or criteria to deny or reduce loans or loan advances.*

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), as follows: cost of direct loans, [$229,967,000] *$157,609,000, and* cost of loans guaranteed pursuant to section 306, [$6,531,000] *$14,152,000 [and cost of the other loan guarantees, $105,000.]*

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, [$29,163,000] *$28,311,000*.

[During fiscal year 1992 none of the funds in this Act may be used to make loans in excess of the foregoing amounts, except to the extent provided in advance in an Appropriations Act.]

Hereafter, no funds in this Act or any other Act shall be available to carry out loan pro-

grams under the Rural Electrification and Telephone Revolving Fund at levels other than those provided for in advance in appropriations Acts.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1992 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be [not less than $177,045,000–nor more than $210,540,000.]

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), [$11,331,000] *$3,629,000.*

In addition, for administrative expenses necessary to carry out the loan programs, [$8,632,000] *$8,392,000.*

[RURAL COMMUNICATION DEVELOPMENT FUND

[To reimburse the Rural Communication Development Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in making Community Antenna Television loans and loan guarantees under sections 306 and 310B of the Consolidated Farm and Rural Development Act, as amended, $1,264,000.

[DISTANCE LEARNING AND MEDICAL LINK PROGRAMS

[For necessary expenses to carry into effect the programs authorized in sections 2331–2335 of Public Law 101–624, $5,000,000, to remain available until expended.]

RURAL ECONOMIC DEVELOPMENT SUBACCOUNT

For loans authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, [$5,000,000,–to remain available until expended] *$8,406,000.*

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans, [$1,700,000] *$2,546,000.*

OFFICE OF THE ADMINISTRATOR

For necessary salaries and expenses of the Office of the Administrator of the Rural Electrification Administration, [$256,000] *$243,000*: *Provided*, That no other funds in this Act shall be available for this Office.

SALARIES AND EXPENSES

(INCLUDING TRANFERS OF FUNDS)

For administrative expenses to carry out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), and to administer the loan and loan guarantee programs for Community Antenna Television facilities as authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921–1995), and for which commitments were made prior to fiscal year 1992, including not to exceed $7,000 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $103,000 for employment under 5 U.S.C. 3109, [$37,795,000] *$36,703,000*; of which [$29,163,000] *$28,311,000* shall be derived by transfer from the Rural Electrification and Telephone Loans Program Account and [$8,632,000] *$8,392,000* shall be derived by transfer from the Rural Telephone Bank Program Account: *Provided*, That none of the funds in this Act may be used to authorize the transfer of *additional* funds to this account from the Rural Telephone Bank: *Provided further*, That not less than [$500,000 of this appropriation shall be expended to provide community and economic development technical assistance] *$500,000 nor more than $1,500,000 of this appropriation shall be expended to provide community and economic development technical assistance and programs* to rural electric and telephone systems by Rural Electrification Administration employees who are located within REA and [assigned to REA's Rural Development Coordinator and who may not be reassigned or relocated to the Rural Information Center or other agency or office] *whose full time responsibilities are to administer such community and economic development programs: Provided further, That none of the salaries and expenses provided to the Rural Electrification Administration, and none of the responsibilities assigned by law to the Administrator of the Rural Electrification Administration may be reassigned or transferred to any other agency or office.*

TITLE IV—DOMESTIC FOOD PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR FOOD AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Food and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service and the Human Nutrition Information Service, [$542,000] *$522,000.*

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751–1769b), and the applicable provisions other than sections 3 and 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1773–1785, and 1788–1789), [$6,067,386,000] *$6,068,743,000*, to remain available through September 30, 1993, of which [$1,392,294,000] *$1,393,651,000* is hereby appropriated and $4,675,092,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That funds appropriated for the purpose of section 7 of the Child Nutrition Act of 1966 shall be allocated among the States but the distribution of such funds to an individual State is contingent upon that State's agreement to participate in studies and surveys of programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966, when such studies and surveys have been directed by the Congress and requested by the Secretary of Agriculture: *Provided further*, That if the Secretary of Agriculture determines that a State's administration of any program under the National School Lunch Act or the Child Nutrition Act of 1966 (other than section 17), or the regulations issued pursuant to these Acts, is seriously deficient, and the State fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the State under section 7 of the Child Nutrition Act of 1966 and under section 13(k)(1) of the National School Lunch Act; upon a subsequent determination by the Secretary that the programs are operated in an acceptable manner some or all of the funds withheld may be allocated: *Provided further*, That only final reimbursement claims for service of meals, supplements, and milk submitted to State agencies by eligible schools, summer camps, institutions, and service institutions within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act for meals, supplements, and milk served during any month only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary: *Provided further*, That up to $4,083,000 shall be available for independent verification of school food service claims: *Provided further*, That [$1,143,000] *$1,500,000* shall be available to operate the Food Service Management Institute.

SPECIAL MILK PROGRAM

For necessary expenses to carry out the special milk program, as authorized by section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772), $23,011,000, to remain available through September 30, 1993. Only final reimbursement claims for milk submitted to State agencies within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), [$2,600,000,000] *$2,573,400,000*, to remain available through September 30, 1993, *of which up to $5,000,000 may be used to carry out the farmer's market coupon demonstration project.*

COMMODITY SUPPLEMENTAL FOOD PROGRAM

For necessary expenses to carry out 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)), including not less than $8,000,000 for the projects in Detroit, New Orleans, and Des Moines, [$91,284,000] *$88,318,000*: *Provided*, That funds provided herein shall remain available through September 30, 1993: *Provided further*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD STAMP PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011–2029), [$22,162,975,000] *$23,662,975,000*; of which [$1,500,000,000] *$3,000,000,000* shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to the Congress: *Provided*, That funds provided herein shall remain available through September 30, 1992, in accordance with section 18(a) of the Food Stamp Act: *Provided further*, That up to 5 per centum of the foregoing amount may be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or work fare

requirements as may be required by law: *Provided further*, That $345,000,000 of the funds provided herein shall be available only to the extent necessary after the Secretary has employed the regulatory and administrative methods available to him under the law to curtail fraud, waste, and abuse in the program: *Provided further*, That $1,013,000,000 of the foregoing amount shall be available for Nutrition Assistance for Puerto Rico as authorized by 7 U.S.C. 2028; of which $10,825,000 shall be transferred to the Animal and Plant Health Inspection Service for the Cattle Tick Eradication Project.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), section 4(b) of the Food Stamp Act (7 U.S.C. 2013), and section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), [$233,437,000] *$225,143,000*.

For necessary expenses to carry out section 110 of the Hunger Prevention Act of 1988, $32,000,000.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

For necessary expenses to carry out the Emergency Food Assistance Act of 1983, as amended, [$50,000,000] *$45,000,000*: *Provided*, That, in accordance with section 202 of Public Law 98–92, these funds shall be available only if the Secretary determines the existence of excess commodities.

For purchases of commodities to carry out the Emergency Food Assistance Act of 1983, as amended, $120,000,000.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, [$101,617,000] *$105,453,000*; of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

HUMAN NUTRITION INFORMATION SERVICE

For necessary expenses to enable the Human Nutrition Information Service to perform applied research and demonstrations relating to human nutrition and consumer use and economics of food utilization, and nutrition monitoring, [$11,255,000] *$9,788,000*: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $125,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), [$110,023,000] *$106,626,000*: *Provided*, That this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

[AMERI FLORA '92 EXPOSITION

[To enable the Secretary to meet any extra expenses of participating in the planning, organizing and carrying out of the Ameri Flora '92 Exposition, the first international horticulture and environment exposition to be held in the United States, $500,000 as authorized by section 1472 of the Food and Agriculture Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended.]

PUBLIC LAW 480 PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701–1715, 1721–1726, 1727–1727f, 1731–1736g), as follows: (1) [$513,800,000] *$511,619,000* for Public Law 480 title I credit, including Food for Progress credit; (2) [$57,000,000] *$52,185,000* is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985, as amended; (3) [$696,000,000] *$710,087,000* is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act; and (4) [$254,959,000] *$333,609,000* is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title III of said Act: *Provided*, That not to exceed 10 per centum of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act.

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended, including the cost of modifying credit agreements under said Act, [$389,979,000] *$388,319,000*.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 480 are utilized, [$1,979,000] *$1,800,000*.

[PUBLIC LAW 480 DEBT RESTRUCTURING

[For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of modifying direct loans authorized by title I and title VI of the Agricultural Trade Development and Assistance Act of 1954, as amended by section 1512 of Public Law 101–624, there is hereby appropriated not to exceed $668,000.]

COMMODITY CREDIT CORPORATION

SHORT-TERM EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $5,000,000,000 in credit guarantees under its export credit guarantee program for short-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 211(b)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

INTERMEDIATE EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $500,000,000 in credit guarantees under its export guarantee program for intermediate-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 211(b)(2) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

EMERGING DEMOCRACIES EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $200,000,000 in credit guarantees under its Export Guarantee Program for credit expended to finance the export sales of United States agricultural commodities and the products thereof to emerging democracies, as authorized by section 1542 [of (Public Law 101–624)] *(7 U.S.C. 5622 note) of the Food, Agriculture, Conservation, and Trade Act of 1990*.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, or guaranteed loans authorized by the Agricultural Trade Act of 1978, as amended, $155,524,000.

In addition, for administrative expenses to carry out CCC's Export Guarantee Program, GSM 102 and GSM 103, [$3,320,000] *$2,465,000*.

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of International Cooperation and Development to coordinate, plan, and direct activities involving international development, technical assistance and training, and international scientific and technical cooperation in the Department of Agriculture, including those authorized by the Food and Agriculture Act of 1977 (7 U.S.C. 3291), [$7,392,000] *$7,247,000*: *Provided*, That not to exceed $3,000 of this amount shall be available for official reception and representation expenses as authorized by 7 U.S.C. 1766: *Provided further*, That in addition, funds available to the Department of Agriculture shall be available to assist an international organization in meeting the costs, including salaries, fringe benefits and other associated costs, related to the employment by the organization of Federal personnel that may transfer to the organization under the provisions of 5 U.S.C. 3581–3584, or of other well-qualified United States citizens, for the performance of activities that contribute to increased understanding of international agricultural issues, with transfer of funds for this purpose from one appropriation to another or to a single account authorized, such funds remaining available until expended: *Provided further*, That the Office may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

[SCIENTIFIC ACTIVITIES OVERSEAS (FOREIGN CURRENCY PROGRAM)

[For payments in foreign currencies owed to or owned by the United States for market development research authorized by section 104(b)(1) and for agricultural and forestry research and other functions related thereto authorized by section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)(1), (3)), $1,062,000: *Provided*, That this appropriation shall be available, in addition to other appropriations for these purposes, for payments in the foregoing currencies: *Provided further*, That funds appropriated herein shall be used for payments in such foreign currencies as

the Department determines are needed and can be used most effectively to carry out the purposes of this paragraph: *Provided further*, That not to exceed $25,000 of this appropriation shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.]

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire of passenger motor vehicles; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; [$725,962,000] *$704,734,000*, of which [$188,858,000] *$167,630,000* shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to the Congress: *Provided*, That *of the sums provided herein, $51,490,000 shall not be available for obligation until September 30, 1992, and, in addition to the $51,490,000, $45,421,000 is hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the sums provided herein, not to exceed $2,000,000 shall remain available until expended, and shall become available only to the extent necessary to meet unanticipated costs of emergency activities not provided for in budget estimates and after maximum absorption of such costs within the remainder of the account has been achieved.

Section 3 of the Saccharin Study and Labeling Act (21 U.S.C. 348 nt.) is amended by striking out "May 1, 1992" and inserting in lieu thereof "May 1, 1997".

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, [$10,350,000] *$8,350,000*: *Provided*, That the Food and Drug Administration may accept donated land in Montgomery and/or Prince George's Counties, Maryland.

RENTAL PAYMENTS (FDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act, $25,612,000: *Provided*, That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 10 per centum of the funds made available for rental payments (FDA) to or from this account.

DEPARTMENT OF THE TREASURY

PAYMENTS TO THE FARM CREDIT SYSTEM FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligations issued through 1992, as authorized, $112,606,000: *Provided*, That not to exceed $2,175,000 of the assistance fund shall be available for administrative expenses of the Farm Credit System Assistance Board: *Provided further*, That officers and employees of the Farm Credit System Assistance Board shall be hired, promoted, compensated, and discharged in accordance with title 5, United States Code.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109; [$47,300,000] *$46,597,000*, including not to exceed $700 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON REVOLVING FUND FOR ADMINISTRATIVE EXPENSES

Not to exceed $40,290,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be available for administrative expenses as authorized under 12 U.S.C. 2249, of which not to exceed $1,500 shall be available for official reception and representation expenses.

TITLE VII—GENERAL PROVISIONS

SEC. 701. [The] *Hereafter, the* expenditure of any appropriation [under this Act] *for the Department of Agriculture* for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 702. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1992 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 442 passenger motor vehicles, of which 439 shall be for replacement only, and for the hire of such vehicles.

SEC. 703. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefore as authorized by law (5 U.S.C. 5901-5902).

SEC. 704. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946 and July 28, 1954, and (7 U.S.C. 427, 1621-1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 705. No part of the funds contained in this Act may be used to make production or other payments to a person, persons, or corporations upon a final finding by court of competent jurisdiction that such party is guilty of growing, cultivating, harvesting, processing or storing marijuana, or other such prohibited drug-producing plants on any part of lands owned or controlled by such persons or corporations.

SEC. 706. [Advances] *Hereafter, advances* of money to chiefs of field parties from any appropriation [in this Act] for the Department of Agriculture may be made by authority of the Secretary of Agriculture.

SEC. 707. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: *Provided*, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 708. New obligational authority provided for the following appropriation items [in this Act] shall remain available until expended: Public Law 480; Mutual and Self-Help Housing; Watershed and Flood Prevention Operations; Resource Conservation and Development; Colorado River Basin Salinity Control Program; Animal and Plant Health Inspection Service, [$5,000,000 for] the contingency fund to meet emergency conditions, [Integrated Systems Acquisition Project,] *the reserve fund for the Grasshopper and Mormon Cricket Control Programs*, and buildings and facilities; Agricultural Stabilization and Conservation Service, salaries and expenses funds made available to county committees; the Federal Crop Insurance Corporation Fund; Agricultural Research Service, buildings and facilities[, and up to $10,000,000 of funds made available for construction at the Beltsville Agricultural Research Center;] Cooperative State Research Service, buildings and facilities; [Scientific Activities Overseas (Foreign Currency Program);] *Office of International Cooperation and Development, Middle-Income Country Training Program;* Dairy Indemnity Program; [$3,500,000 for] higher education graduate fellowships grants under section [1417] *1417(b)(6)* of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. [3152] *3152(b)(6)*); [$8,580,000 for a program of] capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, including Tuskegee University; and buildings and facilities, Food and Drug Administration: *Provided, That, hereafter, such appropriations are authorized to remain available until expended.*

SEC. 709. 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. 710. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94-449.

SEC. 711. [Notwithstanding] *Hereafter, notwithstanding* any other provision of law, employees of the agencies of the Department of Agriculture, including employees of the Agricultural Stabilization and Conservation county committees, may be utilized to provide part-time and intermittent assistance to other agencies of the Department, without reimbursement, during periods when they are not otherwise fully utilized, and ceilings on full-time equivalent staff years established for or by the Department of Agriculture shall exclude overtime as well as staff years expended as a result of carrying

out programs associated with natural disasters, such as forest fires, droughts, floods, and other acts of God.

SEC. 712. Funds provided by this Act for personnel compensation and benefits shall be available for obligation for that purpose only.

SEC. 713. No part of any appropriation contained in this Act shall be expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract as provided by law.

SEC. 714. None of the funds appropriated or otherwise made available by this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 715. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 per centum of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 716. None of the funds in this Act shall be used to carry out any activity related to phasing out the Resource Conservation and Development Program.

SEC. 717. None of the funds in this Act shall be used to prevent or interfere with the right and obligation of the Commodity Credit Corporation to sell surplus agricultural commodities in world trade at competitive prices as authorized by law.

SEC. 718. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 719. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1991 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage rate which is greater than is available in the case of funds appropriated in this Act.

SEC. 720. In fiscal year 1992, the Secretary of Agriculture shall initiate construction on not less than twenty new projects under the Watershed Protection and Flood Prevention Act (Public Law 566) and not less than five new projects under the Flood Control Act (Public Law 534).

SEC. 721. [Funds provided] *Hereafter, funds appropriated to the Department of Agriculture* by this Act may be used for translation of publications of the Department of Agriculture into foreign languages when determined by the Secretary to be in the public interest.

SEC. 722. None of the funds appropriated by this Act may be used to relocate the Hawaii State Office of the Farmers Home Administration from Hilo, Hawaii, to Honolulu, Hawaii.

SEC. 723. [Provisions] *Hereafter, provisions* of law prohibiting or restricting personal services contracts shall not apply to veterinarians employed by the Department to take animal blood samples, test and vaccinate animals, and perform branding and tagging activities on a fee-for-service basis.

SEC. 724. None of the funds provided in this Act may be used to reduce programs by establishing an end-of-year employment ceiling on full-time equivalent staff years below the level set herein for the following agencies: Food and Drug Administration, 8,259; Farmers Home Administration, 12,675; Agricultural Stabilization and Conservation Service, 2,550; Rural Electrification Administration, 550; and Soil Conservation Service, 14,177.

SEC. 725. [Funds provided in this Act] *Hereafter, funds appropriated to the Department of Agriculture and the Food and Drug Administration* may be used for one-year contracts which are to be performed in two fiscal years so long as the total amount for such contracts is obligated in the year for which the funds are appropriated.

SEC. 726. Funds appropriated by this Act shall be applied only to the objects for which appropriations were made except as otherwise provided by law, as required by 31 U.S.C. 1301.

SEC. 727. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 728. None of the funds provided in this Act may be expended to release information acquired from any handler under the Agricultural Marketing Agreement Act of 1937, as amended: *Provided*, That this provision shall not prohibit the release of information to other Federal agencies for enforcement purposes: *Provided further*, That this provision shall not prohibit the release of aggregate statistical data used in formulating regulations pursuant to the Agricultural Marketing Agreement Act of 1937, as amended: *Provided further*, That this provision shall not prohibit the release of information submitted by milk handlers.

SEC. 729. Unless otherwise provided in this Act, none of the funds appropriated or otherwise made available in this Act may be used by the Farmers Home Administration to employ or otherwise contract with private debt collection agencies to collect delinquent payments from Farmers Home Administration borrowers.

SEC. 730. None of the funds in this Act, or otherwise made available by this Act, shall be used to sell loans made by the Agricultural Credit Insurance Fund. Further, Rural Development Insurance Fund loans offered for sale in fiscal year 1992 shall be first offered to the borrowers for prepayment.

SEC. 731. None of the funds in this Act, or otherwise made available by this Act, shall be used to regulate the order or sequence of advances of funds to a borrower under any combination of approved telephone loans from the Rural Electrification Administration, the Rural Telephone Bank or the Federal Financing Bank.

SEC. 732. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 733. [When] *Hereafter, the Department of Agriculture, when* issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program.

SEC. 734. None of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research Service that exceed 14 per centum of total direct costs under each award.

[SEC. 735. None of the funds in this Act may be used to establish any new office, organization or center for which funds have not been provided in advance in Appropriations Acts, except the Department may carry out planning activities.]

SEC. 735. Of the $200,000,000 made available for the Market Promotion Program pursuant to section 203 (7 U.S.C. 5623) of the Agricultural Trade Act of 1978, $70,000,000 shall not become available for obligation until September 30, 1992.

SEC. 736. Funds available to the Animal and Plant Health Inspection Service (APHIS) under this and subsequent appropriations shall be available for contracting with individuals for services to be performed outside of the United States, as determined by APHIS to be necessary or appropriate for carrying out programs and activities abroad. Such individuals shall not be regarded as officers or employees of the United States under any law administered by the Office of Personnel Management.

SEC. 737. [Notwithstanding] *Hereafter, notwithstanding* any other provision of law, any appropriations or funds available to the agencies of the Department of Agriculture may be used to reimburse employees for the cost of State licenses and certification fees pursuant to their Department of Agriculture position and that are necessary to comply with State laws, regulations, and requirements.

SEC. 738. [Funds provided in this Act] *Hereafter, funds appropriated to the Department of Agriculture* may be used for incidental expenses such as transportation, uniforms, lodging, and subsistence for volunteers serving under the authority of 7 U.S.C. 2272, when such volunteers are engaged in the work of the U.S. Department of Agriculture; and for promotional items of nominal value relating to the U.S. Department of Agriculture Volunteer Programs.

SEC. 739. [The] *Hereafter, the* Secretary shall complete the sales of Farmers Home Administration inventory farms, in accordance with the law and regulations in effect before November 28, 1990, in situations in which a County Committee, acting pursuant to section 335 of the Consolidated Farm and Rural Development Act, had made its initial selection of a buyer before November 28, 1990. Such sales shall be completed as soon as the selection decision is administratively final and all terms and conditions have been agreed to. [In carrying out sales of inventory property, priority shall be given to the former owner and members of the immediate family.]

SEC. 740. None of the funds appropriated or otherwise made available by this Act shall

be used to exclude from coverage under section 2244 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624) any crop of valencia oranges that, regardless of harvest year, was destroyed or damaged by freeze or related condition in 1990 and is otherwise covered by that section.

SEC. 741. Notwithstanding any other provision of law, loan subsidy rates used in carrying out loan programs provided for in this Act shall not exceed those estimated by the Office of Management and Budget and published in the Budget of the United States Government for fiscal year 1992.

EXTENSIONS OF PROVISIONS' OF THE HOUSING ACT OF 1949

SEC. 742. (a) RENTAL HOUSING LOAN AUTHORITY.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking "September 30, 1991" and inserting "September 30, 1992".

(b) MUTUAL AND SELF-HELP HOUSING GRANT AND LOAN AUTHORITY.—Section 523(f) of the Housing Act of 1949 (42 U.S.C. 1490c(f)) is amended by striking "September 30, 1991" and inserting "September 30, 1992".

Section 502(h)(3)(C) of the Housing Act of 1949 (42 U.S.C. 1472 note) is amended by striking all that follows "rural area" and by inserting a "." after "rural area".

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1992".

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the agriculture appropriations bill tomorrow morning at 10 a.m., that Senator LEAHY be recognized to offer an amendment to the committee amendment on page 48, line 5, with respect to the wetlands preserve; that there be 40 minutes equally divided in the usual form for debate on the Leahy amendment; and that a vote on or in relation to the Leahy amendment occur at a time to be determined by the majority leader following consultation with the Republican leader.

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

Mr. MITCHELL. Mr. President, I thank my colleagues, and I yield to the distinguished chairman of the subcommittee and manager of the bill.

Mr. BURDICK. Mr. President, today we consider the 1992 appropriations bill for agriculture, rural development, and related agencies—H.R. 2698. I would like to take a brief moment to summarize the bill as it is reported to the Senate.

In overall numbers, this bill contains $53.1 billion. Well over half of that—$33 billion—is for nutrition programs such as Food Stamps, Child Nutrition, and WIC. Most of this amount is considered mandatory spending. In addition, the bill contains $10.7 billion for other mandatory programs such as reimbursements to the Commodity Credit Corporation, the Conservation Reserve Program, and payments to the Farm Credit System Financial Assistance Corporation. My point is that of the total money in the bill, very little of it is for truly discretionary programs over which the committee can exercise control.

SUBCOMMITTEE ALLOCATION

I also want to point out that the subcommittee's allocation for discretionary funding is $465 million less than the House in budget authority and $422 million less in budget outlays. Given that allocation, we had to trim the House bill considerably in order to bring this bill to the floor. We were not able to recommend as high of a level as the House for many programs, including WIC, the Food and Drug Administration, agricultural research, and farm loan programs. In my opinion, the subcommittee faced the toughest test yet in writing an appropriations bill.

Nevertheless, we have recommended funding levels that, in total, are within our allocation, without a penny to spare.

SPECIAL SUPPLEMENTAL FEEDING PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

Mr. President, I know of the widespread interest in the WIC Program. And I share that interest. The committee has consistently provided significant increases for WIC. This year is no different. I am pleased that we are able to recommend a level of $2.57 billion—the same as the budget request. This is an increase of $223 million over last year and by far the biggest increase in discretionary programs we were able to provide.

LOAN PROGRAMS

In addition, we have restored, to the extent possible, loan levels for rural housing programs, rural electrification programs, and farm programs. I believe the amounts provided will be adequate to carry on responsible programs.

FOOD AND DRUG ADMINISTRATION

I know there is concern about the funding level we have provided for the Food and Drug Administration. And I share that concern. The bill contains $704 million for salaries and expenses of the Food and Drug Administration. This is $168 million more than the President requested. And it is the level needed, according to the Congressional Budget Office, to fund current programs at FDA at current levels.

The problem with the funding level is that the President asked for $198 million for FDA through the institution of user fees. Well, Mr. President, the establishment of user fees does not fall under the jurisdiction of the Committee on Appropriations. If the President wants to propose user fees to augment his FDA budget, then he should go to the authorizing committee and obtain their authorization. The President has proposed user fees in the past, and this committee has ignored the request and made up for the user fee proposal in appropriated funds. But this year, we did not have sufficient funds to do that.

While we have provided sufficient funds to maintain current programs, we have made a portion of it available only after the President requests it. In addition, a portion will not be available for obligation until the end of the fiscal year. And, a portion is designated an emergency and will need to be requested and so designated by the President before it becomes available.

NEW PROGRAMS

Mr. President, the recommendations contained in this bill do not include increased funding—and in many cases no funding at all—for many ongoing or new programs that Members requested and that are worthy of funding. The budget constraints simply do not allow it. Nevertheless, we are able to recommend funding to start several new programs such as the Wetlands Reserve Program, the Water Quality Incentive Program, and the Alternative Agricultural Research and Commercialization Program.

With that brief summary, Mr. President, I commend the bill to my colleagues and I ask for their support.

Mr. COCHRAN. Mr. President, let me congratulate and thank my distinguished colleague and friend from North Dakota for his cooperation in the development of this legislation.

Mr. President, the appropriations bill for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for fiscal year 1992, H.R. 2698, includes funds for all agencies of the U.S. Department of Agriculture, except the Forest Service which is funded in another bill. It includes such programs as research, conservation, lending, price support, export promotion, and nutrition. The bill funds the Food and Drug Administration, the Commodity Futures Trading Commission, as well as the Department of the Treasury for interest expenses incurred by the Farm Credit System Financial Assistance Corporation. Also, it establishes limitations on the administrative expenses of the Farm Credit Administration and the Farm Credit Assistance Board.

H.R. 2698 was passed by the other body on Wednesday, June 26, 1991; it was marked up by the Agriculture Appropriations Subcommittee and the full Appropriations Committee on Tuesday, July 23. The report accompanying this bill is Senate Report 102-116.

As reported by the committee, the Agriculture, rural development bill includes $53.1 billion in total budget authority [BA] and $36.2 billion in outlays

for fiscal year 1992. This is $970 million less in budget authority than was made available in the 1991 bill. After adjustments by the Congressional Budget Office [CBO], the bill reflects $40.8 billion in spending authority and $29.4 billion in outlays for mandatory programs, and $12 billion in BA and $10.9 billion in outlays for discretionary programs. The bill is consistent with the subcommittee's 602(b) allocation for discretionary spending.

AGRICULTURAL PROGRAMS

A key element in the success of U.S. agriculture is the support it has enjoyed from both private and public research funding. I believe this bill proposes a comprehensive, geographically broad-based, well-funded research program for agriculture and technology transfer needs. In fact, $1.6 billion is specifically directed to the research and extension activities; of this amount $102 million has been provided for the national research initiative or competitive grants program.

The conservation programs of USDA are critical to improving and conserving our soil and water resource quantity and quality, improving agriculture, and reducing damage caused by floods and sedimentation. This bill supports continuation of the existing cost-share programs and provides for the continuation of the Conservation Reserve Program. In addition, funding has been included to establish the newly authorized Wetlands Reserve Program, a program which is needed to restore and protect our American wetlands.

Through various programs, the committee has also attempted to strengthen U.S. agriculture's potential in world markets. Continued efforts to expand agricultural markets overseas are critical to a healthy domestic farm economy. Reflected in this bill is the committee's continued support of the intermediate and short-term export credit guarantee programs, export credit guarantees to emerging democracies, the Public Law 480 or Food for Peace Program, the Export Enhancement Program [EEP], and the Marketing Promotion Program [MPP].

RURAL DEVELOPMENT

Mr. President, I am pleased to report that the committee has given increased attention in this legislation to rural development and has emphasized and supported the existing programs that will sustain and improve economic development activities. Programs have been developed over the years to help meet important needs in rural areas, such as transportation, water, credit, housing, and electricity. Many of these programs have been beneficial and have improved the lives of those who live in our Nation's small towns and rural communities.

NUTRITION PROGRAMS

The nutrition programs that are administered by USDA's Food and Nutrition Service have become a major part of this legislation. This year, over 63 percent of the amount appropriated in this bill goes to help meet the nutrition needs of citizens in our country, many of whom cannot adequately provide for their own nutrition needs within their own resources. The Food Stamp Program, the Supplemental Food Program for Women, Infants, and Children [WIC], and the child nutrition programs—school breakfast, school lunch, summer food, and adult and child day care—are examples of the programs that are funded in this bill.

Mr. President, under the current fiscal conditions that we face, I believe that the Appropriations Committee has produced an Agriculture, rural development appropriations bill that deserves the support of the Senate. I recommend it to my colleagues.

Mr. President, a wide range of programs are funded in this bill and I trust the Senate will find favor with the bill and approve it. The discussion that we will have on some amendments tomorrow I think will help the bill. I know that some amendments will be accepted. We expect that we could have a vote on maybe one amendment tomorrow morning or around midday.

Mr. President, I think at this point we were going to ask the Senate to agree to the committee amendments.

Mr. BURDICK. Mr. President, I ask unanimous consent that the committee amendments, with the exception of the amendment on page 48, line 5 through page 49, line 3, be agreed to en bloc, and that the bill, as thus amended, be regarded for the purpose of amendment as original text, provided that no point of order shall be waived by reason of the agreement to this request.

Mr. COCHRAN. Mr. President, there is no objection on this side of the aisle.

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

The committee amendments were agreed to en bloc, except the amendment on page 48, line 5 through page 49, line 3.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the committee amendments were agreed to.

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we have a unanimous-consent agreement worked out on both sides related to an amendment to be offered by the distinguished Senator from Vermont. I think the Senator has that language to recite.

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

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

AMENDMENT NO. 916

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. BURDICK] proposes an amendment numbered 916.

On page 76, line 18, strike: "$155,524,000" and insert in lieu thereof: "such sums as necessary".

Mr. BURDICK. Mr. President, the amendment will strike the $155,524,000 provided in the bill as the subsidy for making $5,700,000,000 in export loans and provide "such sums as necessary". The budget requested "such sums as necessary" and estimated that $155,524,000 would be needed.

The concern is that the $5,700,000,000 in loans represents the minimum and there is no maximum. However, the subsidy of $155,524,000 would not allow the Department to go above the minimum. The administration needs the flexibility to exceed the minimums if the situation warrants in order to promote our agricultural exports and provide credit to those countries in need.

Furthermore, Commodity Credit Corporation export loans are exempt from credit reform under section 504(c) of the Federal Credit Reform Act of 1990. Therefore, no appropriations are required. The administration made a mistake by even asking for "such sums as necessary" in its budget request. No request of any kind is needed.

Finally, this appropriation is in a mandatory account so there is no change to the discretionary scoring of the bill and no change to the bill's stature with regard to the 602(b) discretionary allocation.

The PRESIDING OFFICER. Is there further discussion of the amendment?

Mr. COCHRAN. Mr. President, we have no objection to the amendment on this side. It has been requested by the Department of Agriculture and we recommend approval of the amendment.

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

The amendment (No. 916) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. Without objection, the motion to reconsider is laid on the table.

Mr. DIXON. Mr. President, I rise today in support of an exciting and innovative technology, the Pircon-Peck process.

The Pircon-Peck process utilizes sulfur from boiler coal combustion as

basic fertilizer ingredients. The fertilizer produced has the same quality as fertilizer presently used by our country's farmers.

Sulfur is the most costly component of fertilizer, representing more than 50 percent of the nitrogen-phosphate fertilizer manufacturer's per unit production cost. Whether it is mined or recovered, sulfur is scarce and costly, and the United States imports much of it. This only adds to our Nation's trade deficit.

With the Pircon-Peck process, sulfur is obtained from Midwestern coal, and is utilized in the production of agricultural fertilizer. Rather than being a pollutant, the sulfur is used as a valuable mineral.

Participants of the Pircon-Peck process include the U.S. Department of Agriculture, the University of Illinois, the Illinois Department of Energy and Natural Resources, the Illinois Department of Commerce and Community Affairs, Western Illinois University, the Institute of Gas Technology and Resources, and Agricultural Management, Inc.

Congress appropriated $2.1 million in fiscal year 1988 to initiate this program, and the State of Illinois has provided $4.5 million. The technology now needs $2.73 million in fiscal year 1992, to fulfill the Federal obligation of the cost-sharing agreement with the other participants.

Mr. President, this technology makes sense both economically and environmentally. The United States and, indeed, the world, faces the challenge of coverting today's pollutants into tomorrow's resources.

While complying with the Clean Air Act is important, it is also costly. The Pircon-Peck process utilizes the sulfur from coal combustion as a valuable component of agricultural fertilizer, rather than it becoming another pollutant; it decreases our dependence on sulfur imports for fertilizer production; it allows for a high-quality, low-cost fertilizer for farmers; and it generates employment opportunities in rural communities.

I urge my dear friend and distinguished colleague to support the Pircon-Peck process, and recommend that the U.S. Department of Agriculture provide available funds for this technology.

Mr. BURDICK. I understand the Senator from Illinois' concern about this technology, and urge the U.S. Department of Agriculture to provide for this valuable program.

Mr. DIXON. I thank my colleague from North Dakota.

Mr. PELL. I appreciate the excellent job that has been done by the members of the Agriculture Appropriations Subcommittee and the members of the full Appropriations Committee.

Under the able leadership of its chairman, the senior Senator from North Dakota [Mr. BURDICK] the subcommittee has worked hard to assure that only the most urgently needed funds are earmarked for obligation in fiscal year 1992.

That job has been made exceptionally hard in these difficult economic times by increased demands for money to fund the new agriculture and conservation programs created by the new farm bill.

Last year the committee provided the University of Rhode Island with $1.94 million in fiscal year 1991 funds to pay for the engineering and architectural services needed to prepare for the construction of Coastal Institute buildings.

This year only $500,000 was earmarked for construction in fiscal year 1992 funds, enough to keep the project alive but substantially less than the projected $8.4 million cost of the first phase of construction.

I understand that the committee signaled its support for the project, but also held back on full funding until it could be obligated within the same fiscal year. That point is not likely to come before fiscal year 1993, after the initial engineering and architectural work is complete.

At this time, I would like to ask my distinguished colleague if it is the committee's intention to consider substantial construction funds in fiscal year 1993—when the architectural and engineering work is complete and the funds can be obligated?

Mr. BURDICK. The senior Senator from Rhode Island [Mr. PELL] is correct. The $500,000 earmarked for this project in fiscal year 1992 funds indicates the committee's continuing interest in and support for this project.

The Coastal Institute Building Program at the University of Rhode Island will create urgently needed facilities to unite a group of closely related disciplines—resource economics; fisheries, animal and veterinary science; and natural resource science—under a single roof.

It is the intention of the committee that, once the architectural and engineering work is completed it will consider funding in the amount that can be expended in that fiscal year for the first phase of construction.

Mr. PELL. I thank the senior Senator from North Dakota [Mr. BURDICK] for that clarification and that commitment. I appreciate the excellent work he and the members of his committee have done to balance the needs of this and many other worthy programs of national interest.

Mr. COCHRAN. Mr. President, as I understand it, that probably takes care of the amendments that we will be able to deal with tonight. There are other amendments to be offered in the morning and, under the order that the leader has entered in the RECORD, we will be back on the bill with an amendment at 10 o'clock, as I understand it.

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

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

MORNING BUSINESS

Mr. WIRTH. Mr. President, I ask unanimous consent there be a period for morning business with Senators permitted to speak therein.

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

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,326th day that Terry Anderson has been held captive in Lebanon.

FAMINE IN THE HORN OF AFRICA

Mr. KENNEDY. Mr. President, once again the specter of mass famine looms across the Horn of Africa. War and civil strife has again produced another flow of refugees and massive upheavals of people in Ethiopia, Somalia, and Sudan. Today we are seeing a regional crisis of people, with the collapse of the governments in Ethiopia and Somalia producing internal chaos, and drought and conflict taking an increasing toll in Sudan.

The scale of the humanitarian crisis unfolding today in the Horn has outpaced the ability of United Nations and other international relief agencies to respond. Although it is clearly a regional crisis, with refugees and famine victims moving within their countries and across three international borders, there has yet to be a regional response by the world community.

Last Friday, the Senate acted to draw urgent attention to this humanitarian emergency by adopting an amendment for greater international coordination and assistance. In sponsoring this amendment, I was joined by my distinguished colleague on the Immigration and Refugee Affairs Subcommittee, Senator SIMPSON, as well as the chair and ranking member of the Africa Subcommittee of the Foreign Relations Committee, Senator SIMON and Senator KASSEBAUM.

We called upon the U.N. Secretary General, Javier Perez de Cuellar, to immediately appoint U.N. field coordinators for the region who can act with the Secretary General's full authority to bring greater coordination to the United Nations and international relief

effort, as well as mobilize greater donor contributions.

Mr. President, there is ample precedence for the appointment of such high-level U.N. field coordinators, going all the way back to the role Sir Robert Jackson played in the aftermath of the Bangladesh crisis in 1972, to his role in the Cambodian relief effort of 1979.

Indeed, the last time the Horn faced a similar regional famine crisis, in 1984–85, the Secretary General acted to appoint a personal representative in the field to coordinate the U.N. agencies' efforts.

Similar action is urgently needed today.

Reports from the region suggest a manmade tragedy will occur unless we break the diplomatic and logistical roadblocks currently hampering the relief program.

For example, unlike Ethiopia in 1984–85, when the international community was behind the curve and the issue was coordination to get enough food to arrive. Today ample food stocks are on hand in the ports of Assab and Djibouti, but the problem is to get it out to starving refugees and displaced villagers just miles away. The food is simply not moving from the ports, hampered by a lack of coordination in the field.

There also appears to be no regular, systematized interagency meetings to bring both the U.N. agencies as well as other international and voluntary agencies together to exchange information, coordinate actions, set priorities, and deal with logistical logjams as they occur.

Today, hundreds of thousands of Somalian refugees sit in the Ogaden desert in eastern Ethiopia, only miles from the Djibouti port, where food is piled high. Yet hardly any of it is moving to the camps. The World Food Program estimates that 150 trucks are needed immediately. But who is there to coordinate or stimulate an adequate international response to this need?

Similarly, in Assab, food is available, but the International Committee of the Red Cross reports it can't break the political/logistical problems blocking onward shipments to feeding centers in central and northern Ethiopia, where refugees are in desperate need of food and medical supplies.

The situation in Somalia is a shambles, with no functioning government that any other government or agency can deal with. It is a country fractured into three warring clans. If ever there was a role for the United Nations to directly intervene on humanitarian grounds, it is Somalia today. If it can be done in Iraq under the leadership of the Secretary General's field representative, it can be done in Somalia.

A recent letter sent by InterAction, the umbrella organization for America's voluntary agencies, to James O.C. Jonah, the Under Secretary General currently responsible for the U.N. effort, outlines some very thoughtful recommendations which they hope the Secretary General will consider and implement as soon as possible.

I ask that the text of the InterAction letter, as well as a report by Refugees International, be printed later in the RECORD.

Mr. President, I am pleased the Senate has acted to support the U.N. effort to deal with the escalating human crisis in the Horn of Africa.

I hope high-level U.N. field coordinators will soon be appointed, and that some of the unnecessary impediments to the current international relief operation can be dramatically reduced. Otherwise, countless lives will needlessly be lost.

Mr. President, I ask that the text of the resolution adopted by the Senate be printed at this point in the RECORD.

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

On page 195, between lines 18 and 19, insert the following new section:

SEC. 690. INTERNATIONAL RELIEF EFFORTS IN THE HORN OF AFRICA.

(a) FINDINGS.—The Congress finds that—

(1) a massive humanitarian emergency is sweeping across the Horn of Africa today—in Ethiopia, Somalia, and Sudan—where millions of lives are at risk from famine caused by war and civil strife;

(2) refugees are on the move in all directions across the region's borders, searching for peace and relief;

(3) reports from the field indicate that in some cases sufficient food and relief supplies are stockpiled at ports within a few hundred miles of starving refugees; and

(4) the lack of effective international coordination in the field is contributing to this human tragedy, and international diplomacy is failing to break the local political and logistical obstacles to the relief effort.

(b) POLICY.—The Congress—

(1) urges the Secretary General of the United Nations to immediately appoint United Nations field coordinators for each country in the Horn of Africa who can act with the Secretary General's full authority to bring greater coordination to the United Nations and international relief effort and to better mobilize donor contributions; and

(2) urges the President to lend the full support of the United States to all aspects of the relief operation in the Horn of Africa, and to work in support of United Nations and other international and voluntary agencies, in breaking the barriers currently threatening the lives of millions of refugees and others in need.

AMERICAN COUNCIL FOR
VOLUNTARY INTERNATIONAL ACTION,
Washington, DC, July 17, 1991.

Mr. JAMES O.C. JONAH,
Under Secretary General, The United Nations, New York, NY.

DEAR MR. UNDER SECRETARY GENERAL: On behalf of all the representatives of the agencies that met with you yesterday, I want to thank you for the meeting, for your openness, frankness understanding of the situation and the concerns of the NGOs. I am confident that with this type of interaction, we can build a better partnership between NGOs and your office at the United Nations.

I herein summarize the key points for our discussion. I am sure that these brief points will trigger the fullness of our discussion yesterday:

1. It is important that the emergency throughout Africa be targeted, not just the Horn of Africa.

2. We are pleased that Mr. Michael Priestly will be your special coordinator for this program and based in New York. He needs to be given your and the Secretary General's full authority to act decisively.

3. We are convinced that the U.N. also needs a person, based in the region, who can act with the Secretary General's authority. We urge you to appoint a regional coordinator and/or a special on-the-ground representative in each of the most severely affected countries.

4. Throughout the meeting, a number of specific recommendations were made to insure the success of the effort.

a. Mr. Priestly needs the authority to assure that the U.N. specialized agencies work together as a team. Inter-agency rivalries must cease. We believe these can only be overcome with strong, effective leadership and a clear mandate from U.N. headquarters in New York.

b. An improved U.N./African emergency information system should be set up immediately. It would issue unified reports, both continent-wide and by country, on the famine and emergency situation in Africa.

c. A directorate should be established to include representatives secunded from U.N. operational agencies (such as UNDP, UNICEF, WFP). Each should be given paramount responsibility for specific operational areas.

d. A regular coordination meeting needs to be established in New York with NGOs. Similar information and coordination meetings need to be set up in each affected country.

e. A special report to, or meeting during the upcoming General Assembly could be important to mobilize world opinion on the emergency.

5. We are extremely concerned that Africans, this time around, are dying in silence. It is imperative that the U.N. take bold action to help publicize the emergency. We recommend a high-level trip, by the Secretary General, perhaps accompanied by high-visibility persons (ex-heads of State, for example), who could bring the media's attention to Africa.

6. The African famine is taking place in a political environment which must be looked at and addressed. The U.N. has gained prestige and power. We urge your office to deal with and seek others in the U.N. to deal with the political issues which are so vital. Safe passage, open roads and ports, cease-fires, even peace, are issues that must be tackled.

We are convinced that in the U.S. there is no donor fatigue. What there is, is greater donor sophistication and donor skepticism. People are aware that politics interfere with relief operations: food rots on the dock, food is diverted, innocent people are bombed. The media is quick to point out these problems. We need the U.N. to use its political leverage and clout to remove some of the obstacles and to deal with these issues. Negative publicity affects all of us as we attempt to mobilize our constituencies.

If we can surmount these obstacles together, then we are convinced that the American public and government will respond to the crisis. We recognize the urgency of the problem. People are starving at this very moment. It is time for energetic, bold action. We believe the U.N. should be at the forefront of this.

We look forward to working with you in this critical emergency. The U.S. relief organizations pledge their support to you and your colleagues. We wish you well on your important mission to the Horn.

Respectfully yours,

On behalf of the Operational U.S. PVOs active in the Horn,

PETER J. DAVIES,
President and CEO.

ETHIOPIAN CRISIS FINDINGS AND RECOMMENDATIONS

BACKGROUND

The scale of the emergency unfolding in Ethiopia and throughout the Horn has outpaced the capacities of the U.N. agencies responsible. In addition, there are problems of coordination and lack of clarity as to overall objectives, priorities and key action recommendations for U.N. and NGO agencies, governments and donors.

Several current examples:

There are ample food-stocks in Djibouti, but within a few hundred miles, refugees and returnees are beginning to starve.

Information about the most urgent feeding priorities for refugees and returnees are slow to move up through the UNHCR/WFP decision-making channels, with the result that some of the worst areas are addressed last.

In Ethiopia, there are insufficient coordination meetings to bring the agencies together to exchange relief information, much less harmonize actions.

There does not seem to be a planning component to lay out over-all priorities adjusted to changing conditions. Among other things, this means that donors who might be ready to assist have no clear idea of what is currently most needed.

Other U.N. agencies and NGOs, on the ground, were not informed before the recently commenced airlift to the Ogaden.

The diverse U.N. agencies present in the Horn would benefit greatly from a single focal point to optimize their activities and eliminate the present inefficiencies inherent in their separate efforts.

As problems in the region are linked, so must solutions be regional in character, particularly voluntary repatriation.

RECOMMENDATIONS

1. Appoint Regional Coordinator: To improve response of the United Nations to the relief and refugee emergency in the Horn and to better mobilize donor contributions, the Secretary General should appoint a regional coordinator resident in Addis Ababa with a full mandate over representatives from all U.N. agencies.

The appointee, who should be named immediately, should have international stature and enjoy the full confidence of the Secretary General. It may be recalled that Sir Robert Jackson effectively played this coordinative role in the Cambodian crisis commencing in 1979.

2. Increase food deliveries from Djibouti to areas of greatest need: For a number of reasons, a key logjam in the food pipeline is now the long-haul capacity out of Djibouti. WFP estimates that 150 trucks are needed immediately. To quickly inject more long-haul trucks, the U.S., NATO, and other countries should provide long-haul trucks by air to Djibouti. In the case of the U.S. and coalition partners, trucks from the Persian Gulf area could arrive with the minimum lead time.

3. Upgrade UNHCR management and field staff: Given the dimensions of the emergency, UNHCR is understaffed. More personnel, particularly with emergency experience, are urgently required.

In Ethiopia, for example, the UNHCR has just assigned a deputy representative with emergency experience and leadership capabilities; there is a similar need for such an officer to take charge of all operations in the eastern part of the country.

To provide an expatriate field presence, UNV's or other volunteers should be assigned to each camp to provide timely and accurate monitoring and feedback information and recommendations. Perhaps, field volunteers from donor countries could be mobilized even more quickly and economically than UNV's.

4. Provide food more quickly to new arrivals: Newly arriving, returnees and refugees from Somalia are sometimes not being registered and fed quickly. Particularly, returnees lacking registration documentation from Somalian refugee camps, are not given ready access to feeding.

UNHCR should streamline procedures to verify and register returnees and new arrivals and provide them priority access to feeding, if their condition so merits.

5. Western Ethiopia: Find and provide aid to refugees who fled Itang, Fugnido and Dimma camps.

FOREIGN RELATIONS OF THE U.S. HISTORICAL SERIES

Mr. PELL. Mr. President, I am particularly proud of the committee's role in formulating and approving the section of the State Department authorization bill (S. 1433) concerning the foreign relations of the U.S. historical series and the declassification of State Department records after 30 years. On October 19 of last year the Senate adopted S. 3225, which was substantially similar to the language of this title. I was pleased to be joined in original sponsorship of that bill by the ranking member of the Foreign Relations Committee, Senator HELMS, and the chairman and the ranking member of the Select Committee on Intelligence, Senator BOREN and Senator COHEN. This sponsorship reflects the close collaboration of the Foreign Relations Committee and the Intelligence Committee in the development of this legislation.

This title for the first time provides a legislative charter for the State Department's published historical record, the foreign relations series, with guidelines and procedures for the selection of materials including records from other agencies involved in American foreign policy. Although the foreign relations series was first published in 1862, there have been problems with some recent volumes that have failed accurately to reflect important aspects of America's involvement in foreign affairs. The bill also provides legislative authorization for the Advisory Committee on Historical Dipolmatic Documentation, and for the declassification of State Department records generally in the same 30-year period prescribed for the foreign relations series.

Mr. President, it is essential for the proper understanding of American foreign policy that we should know the history of that policy. And for that, access to the documentary record is essential. The purpose of this section is to assure that the record of American foreign policy is made available with accuracy and completeness.

The bill provides that the editing of the foreign relations series "shall be guided by principles of historical objectivity and accuracy. Records shall not be altered and deletions shall not be made without indicating in the published text that a deletion has been made. The published record shall omit no facts which were of major importance in reaching a decision, and nothing shall be omitted for the purpose of concealing a defect of policy." These guidelines are similar to those stated by former Secretary of State Francis B. Kellogg on March 26, 1925, which have been printed in the prefaces of existing volumes of the series for many years.

An important part of this title provides that other departments and agencies engaged in foreign policy shall cooperate with the State Department Historian in selecting records for the foreign relations series, and in permitting access to original records by appropriately cleared staff of the State Department's Historical Office. Procedures are set forth for the declassification of such documents for the foreign relations series, with the alternative where required of selective deletions or, if necessary, an edited summary. The advisory committee is to play a key role in assuring that any such modifications in the text accurately reflect the original records.

These procedures are important because some of the most serious distortions in recently published volumes of the foreign relations series have resulted from the omission of highly relevant materials from other agencies needed to provide a complete record of American foreign relations. Two examples were the volume covering the United States role in Iran in the early 1950's, and the volume on Guatamala, 1954. In both cases the deleted topics have been covered in memoirs by U.S. officials who had been active in these countries at the time, and in other published accounts, so the omission from the foreign relations series was especially glaring.

On the basis of the discussions that have been held with officials from concerned offices and agencies of the administration, and with the Intelligence Committee, I have every hope that the procedures set forth in this legislation will assure the completeness and accuracy of the foreign relations series, traditionally regarded by historians, scholars and policymakers as an original source for the record of American foreign policy.

The legislation makes clear that the documentary record of American foreign policy shall be made available as

completely and comprehensively as possible. To the extent that records can be declassified sooner than 30 years, as is often the case, that should of course continue. But the 30 year standard is fundamental, and should be scrupulously observed following a transition period of 5 years for the foreign relations series and 2 years for the declassification of State Department records.

The bill recognizes that there may have to be certain exemptions from declassification even after 30 years, and it states criteria for such exemptions. For example: records wholly prepared by a foreign government, records which would compromise still protected weapons design or technology, U.S. cryptologic systems and codes. There are also exemptions for records which would disclose the identities for confidential sources who are still living if this would have a substantial risk of harm to such persons, and exemptions for internal personnel and visa records. An exemption is also stated for records the declassification of which "would demonstrably impede current diplomatic negotiations or other ongoing activities of the U.S. Government, or would demonstrably impair U.S. national security."

I would emphasize that while these exemptions may need to be applied in some cases even after 30 years, it is my strong hope and belief that they will be used sparingly, on an item-by-item and document-by-document basis rather than serving as a reason for wholesale withholding of entire categories or lots of records.

It is strongly in our interest as a free nation that the official records of our history be available to be analyzed and studied to the fullest possible extent, with the fewest possible omissions. Only in that way will the writing of our history live up to our traditions of freedom and full disclosure. The bedrock for foreign policy formulation, and for the conduct of American foreign policy itself, is an accurate record of what has gone before.

In the past year we have seen the importance of the integrity of the historical record in the countries of Eastern Europe, the Soviet Union, and other nations, where there has been a flood of new documentation from governments that for many years concealed and even falsified the record. From these recent, dramatic examples we have seen the strength that a country draws from the availability of honest information about its past. This legislation will ensure that the United States adheres to the tradition of providing an accurate and complete historical record of our foreign policy.

I ask that letters I have received endorsing this section from the chairman of the Advisory Committee on Historical Diplomatic Documentation, Professor Warren F. Kimball of Rutgers University, from the American Political Science Association, and from the American Historical Association be printed in the RECORD at this point. I also ask that an article by Senator BOREN and myself from the Boston Globe and an op-ed piece in the New York Times by the former head of the Historical Advisory Committee, Prof. Warren I. Cohen, be printed in the RECORD at this point.

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

RUTGERS,
New York, NJ, July 11, 1991.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR SENATOR PELL: I write to endorse, with real enthusiasm, Part F of S.1433—the portion of the Foreign Relations Authorization Act that pertains to Foreign Relations of the United States, to the declassification of State Dept. records generally after 30 years, and to the Advisory Committee on Historical Diplomatic Documentation. I believe this legislation goes a long way towards resolving the problems that have affected these subjects and have prevented the Advisory Committee from achieving their intended goals.

I, as Chair of the current Advisory Committee, along with the committee members have followed the development of this legislation closely, and we have availed ourselves of opportunities to make constructive suggestions that have been included in the bill. I believe that the current bill is practical, and that the recent changes answer all of the technical and Constitutional questions some have raised. You, you committee members, and the staff persons involved have my congratulations for a job well done.

The bill in its present form not only lets the Historical Advisory Committee give the Secretary of State the kind of honest, independent, professional advice needed, but it also insures that the American public is guaranteed the kind of historical information it needs for democracy to function. Nothing in this bill, which deals only with 30-year old and older records, would compromise current foreign policy, nor should Americans be afraid of their history.

As a small postscript, I am personally actively involved in a number of Soviet-American projects regarding the history of the Second World War. At a recent meeting with Soviet historians, they told me of their deep concern that young people there no longer believed that history was of any value. They quoted a poll showing that 60% of Soviet citizens did not believe that they had been told the truth about their history during World War II. Since that is, perhaps, the most favorable era of the 75 year history of communist rule, the percentage of disbelievers for other periods must be even higher. The legislation proposed by you and your committee will help to insure that Americans, young and old, never have to become so cynical of their history.

Sincerely yours,
WARREN F. KIMBALL,
Professor.

AMERICAN POLITICAL SCIENCE ASSOCIATION,
Washington, DC, July 22, 1991.

Senator CLAIBORNE PELL,
U.S. Senate, Washington, DC.

DEAR SENATOR PELL: The American Political Science Association is the major professional organization whose members are engaged in the study of politics and government. Founded in 1903, the Association is committed to advancing research opportunities among its members. Association membership is composed primarily of political scientists doing research and teaching in U.S. universities and colleges. One third of the Association's members are engaged in research and teaching in the fields of international relations and comparative politics.

The Association's Council, speaking on behalf of the Association's 14,000 members, adopted the attached resolution in August 1990 regarding the "Foregin Relations of the United States" historical series. The Association is strongly committed to preserving the scholarly integrity of the series, and commends the members of the Committee on Foreign Relations for their recent efforts in this direction.

The Association fully endorses the provisions dealing with the "Foreign Relations" series in S. 1433. The bill provides for two steps that the Association feels are essential to the scholarly enterprise. First, provision is made for review of the "Foreign Relations" series by outside nonpartisan scholars. Protected by security clearances, the scholars will guarantee the historical integrity of the series without jeopardizing the legitimate security interests of the United States. Second, a systematic declassification policy for State Department records over thirty years old is firmly established. With necessary exemptions to protect sensitive materials provided for, the new policy will greatly facilitate scholarly inquiry.

The Association thanks you and your colleagues for the carefully crafted language of S. 1433. We strongly endorse its passage.

Once again the Association thanks you for your service to the scholarly community, and your appreciation of the fact that our future strength is based upon on an informed understanding of the past.

Sincerely,
CATHERINE E. RUDDER,
Executive Director.

RESOLUTION ON THE INTEGRITY OF THE FOREIGN RELATIONS OF THE UNITED STATES DOCUMENTARY HISTORY VOLUMES AMERICAN POLITICAL SCIENCE ASSOCIATION COUNCIL ADOPTED, AUGUST 1990

Whereas, the Foreign Relations of the United States, has been published by the Department of State since 1861 and serves as a record of American foreign relations, as faithful as possible, given legitimate security concerns; and

Whereas, the documentary series, now numbering over 300 volumes, has been a cornerstone of scholarly research and writing in American foreign relations; and

Whereas, until recently the scholarly community has expressed strong confidence in the editorial integrity of the series which provided both detailed coverage of major issues and guidance for locating unpublished State Department documents; and

Whereas, the integrity of the Foreign Relations of the United States series is now threatened by changes during the last decade in the editorial review process for handling sensitive materials; and

Whereas, recent volumes of the Foreign Relations of the United States, published

more than thirty years following the historical events described, containing an appalling increase in the amount of incomplete and deleted documents, which the State Department's Historical Documents Review Division and other government agencies have excised from the volumes; and

Whereas, recent Foreign Relations volumes with significant increase in deletions and omissions create an incompleteness that in itself is a distortion; and

Whereas, the Department of State itself in carrying out the foreign policy of the United States needs a full and accurate record of its past programs and decisions on which its own offices can rely; and

Whereas, our democratic government rests on informal public debate and deliberations by policymakers based on access to the fullest possible records of the past and on an accurate presentation of our history; and

Whereas, various agencies of the United States government are urging foreign governments to open their archival records, it is essential that the United States follow a standard worthy of emulation; and

Whereas, the role of the State Department's Advisory Committee on Historical Diplomatic Documentation, made up of the representatives of the American Political Science Association, the American Historical Association, the Organization of American Historians, the American Society of International Law, and the Society for Historians of American Foreign Relations, is now threatened as they are no longer participants in the review process and are no longer in a position to attest to the integrity of the series;

Resolved, the American Political Science Association urges Secretary of State James Baker to take necessary steps to restore the integrity of the Foreign Relations of the United States by establishing a procedure by which the Advisory Committee, who have "secret" clearances, may review the necessary materials in order to make judgments on the integrity of the series.

AMERICAN HISTORICAL ASSOCIATION,
Washington, DC, July 18, 1991.

Senator CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, U.S. Senate, Washington, DC.

DEAR SENATOR PELL: I am writing on behalf of the American Historical Association to support Title IV—Foreign Relations of the United States Historical Series—of S. 1433. Your work in crafting this excellent legislation is most appreciated, for S. 1433 goes a long way toward ensuring the integrity of the State Department's historical series, The Foreign Relations of the United States. The recent, lamentably incomplete volume on Iran in the series covering the year 1953 is an example of the fault to be remedied by the proposed legislation. The volume is totally silent on the role of U.S. covert action in the overthrow of Mossadeq, even though Archie Roosevelt, station chief in Iran at the time, has long since given a full account of U.S. actions in his published memoirs.

We are pleased that S. 1433 authorizes the publication of a thorough, accurate, and reliable documentary record through the Foreign Relations series, places the series on a thirty year time table, gives statutory authority for the Advisory Committee on Historical Diplomatic Documentation, and develops a policy of systematic declassification for State Department records over thirty years old with exceptions for the most sensitive records. This legislation will assist in correcting many of the current declassification problems, which have resulted from lack of internal or external oversight of the work of the State Department's Historical Documents Review Division, which has responsibility for declassifying historical State Department records.

Last year the American Historical Association Council passed the enclosed resolution supporting legislation to ensure the integrity of the Foreign Relations series. In May the American Historical Association Council voted to support the Senate draft of legislation which has since been introduced as S. 1433.

The legitimate claim of security in the conduct of foreign affairs is respected by all responsible historical scholars, and we believe that the provisions for continued classification are fully adequate for protecting sensitive information that could harm our current foreign policy.

Sincerely,

SAMUEL R. GAMMON,
Executive Director.

NATIONAL COORDINATING COMMITTEE FOR THE PROMOTION OF HISTORY,
Washington, DC, July 18, 1991.

Senator CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, U.S. Senate, Washington, DC.

DEAR SENATOR PELL: I am writing on behalf of the American Historical Association, the Organization of American Historians and the National Coordinating Committee for the Promotion of History which is composed of fifty historical and archival organizations to thank you for your work on S. 1433, which addresses the problem of lack of integrity in the State Department historical series, "The Foreign Relations of the United States." We are pleased that S. 1433 authorizes the publication of a thorough, accurate, and reliable documentary record through the "Foreign Relations" series, places the series on a thirty year time table, gives statutory authority for the Advisory Committee on Historical Diplomatic Documentation, and develops a policy of systematic declassification for State Department records over thirty years old with exceptions for the most sensitive records.

Several attached documents illustrate the need for a policy at the State Department of systematic declassification of records over thirty years old. One is the enclosed 1990 list prepared by the National Archives of State Department lot files that are not open to scholars and the public because they have not been declassified. The other is some pages from the introductions to two volumes of the "Foreign Relations" series that were published last fall. Both volumes indicate that the manuscripts for these volumes were completed over a decade ago. Delays in declassification of records played a major role in this lengthy delay.

Attached is also a resolution passed last December by National Coordinating Committee for the Promotion of History's Policy Board supporting legislation on the "Foreign Relations" series.

Sincerely,

PAGE PUTNAM MILLER,
Director.

RESOLUTION ON INTEGRITY OF THE "FOREIGN RELATIONS OF UNITED STATES" DOCUMENTARY HISTORY VOLUMES

Whereas, the "Foreign Relations of the United States," has been published by the Department of State since 1861 and serves as a record of American foreign relations, as faithful as possible, given legitimate security concerns; and

Whereas, this highly respected and prestigious documentary series, now numbering over 300 volumes, has been a cornerstone of scholarly research and writing in American foreign relations; and

Whereas, until recently the scholarly community has expressed strong confidence in the editorial integrity of the series which provided both detailed coverage of major issues and guidance for locating unpublished State Department documents; and

Whereas, the integrity of the "Foreign Relations of the United States" series is now threatened by changes during the last decade in the editorial review process for handling sensitive material; and

Whereas, recent volumes of the "Foreign Relations of the United States," published more than thirty years following the historical events described, contain an appalling increase in the amount of incomplete and deleted documents, which the State Department's Historical Documents Review Division and other government agencies have excised from the volumes; and

Whereas, recent Foreign Relations volumes with significant increases in deletions and omissions create an incompleteness that in itself is a distortion; and

Whereas, the Department of State itself in carrying out the foreign policy of the United States needs a full and accurate record of its past programs and decisions on which its own offices can rely; and

Whereas, our democratic government rests on informed public debate and deliberations by policymakers based on access to the fullest possible records of the past and on an accurate presentation of our history; and

Whereas, various agencies of the United States government are urging foreign governments to open their archival records, it is essential that the United States follow a standard worthy of emulation, and

Whereas, the role of the State Department's Advisory Committee on Historical Diplomatic Documentation, made up of representatives of the American Historical Association, the Organization of American Historians, the American Political Science Association, the American Society of International Law, and the Society for Historians of American Foreign Relations, is now threatened as they are no longer informed participants in the review process and are no longer in a position to attest to the integrity of the series;

Resolved, the National Coordinating Committee for the Promotion of History urges Secretary of State James Baker to take necessary steps to restore the integrity of the "Foreign Relations of the United States" by establishing a procedure by which the Advisory Committee members, who have "secret" clearances, may review the necessary material in order to make informed judgments on the integrity of the series; and

Resolved, the National Coordinating Committee for the Promotion of History send copies of this resolution to the President of the Senate, Speaker of the House of Representatives, and the Chairperson and ranking minority member of the appropriate Congressional committees.

Adopted by the Executive Board of the Organization of American Historians and the Council of the Society for Historians of American Foreign Relations on March 22, 1990, by the Policy Board of the National Coordinating Committee for the Promotion of History on March 23, 1990, and by the Research Division of the American Historical Association on March 30, 1990.

UNREVIEWED LOT FILES IN NATIONAL ARCHIVES—AS OF DEC. 12, 1990

[Items with asterisks are currently under review]

Lot number	Description	Boxes
	Material for Which NARA Has Guidance	
53D28	A Sec Adm/Administrative Files 1945–49	18
52–73	A Sec Adm/Organization of Foreign Serv 1945–8	2
58D68	ACOPS-Adv Cmte on Personnel Security 1944–52	4
78D440	Afric.&SW Asian Grp/Re:NearEast.Aff 1942–53	3
M72	Allied Mission-Observ of Greek Elections 1946	27
53D65	Amb Jessup Files/UN Gen Ass6th&7thSess 1951–2.	4
59D101	Amer in Detention: Lourdes&Baden-Baden 1942–4	3
53D466	Americ.Section/Anglo-Carib Comm 1940–48	57
58D655	ASec Admin-Administrative Records 1944–55	1
63D255	ASec for African Affairs 1951	5
55D650	ASec for Congressional Relations 1949–52	3
53D468	ASec NearEastern & S Asian Aff-McGhee 1949–51	20
55D207	ASecAdmin-Budget related files 1948–50	2
58D252	ASecAdmin-Names Files 1948–54	1
54D349	AsstSec for Public Affairs-Sargeant	16
60D216	AsstSec Int'l Org Aff(Wilcox) 1958	4
60D136	Atterbery Files 1940–48	7
568	Bell Mission to Philippines, 1950–51	24
52–51	Bonesteel Papers/MAP 1950–51	15
54D224	Brit Commonwealth/N Eur Aff-Subj Files 1941–53	24
59D559	Brit Commonwealth/W Eur Affairs 1941–54	1
60D90	Bur Far East Affairs-Corr/Subject Files 1958	2
79D137	Bur of Admin Intelligence Files 1946–53	2
53D223	Bur of Security & Counsular Affairs 1946–53	3
62D421/ 64D353.	Bureau of African Affairs 1955–9	2
60D68	Bureau of Economic Affairs 1945–58	6
62D316	Case of Noel & Herman Field 1945–56	3
57D614	Case of William Oatis 1951–54	3
60D257	Chief, Div of Dependent Area Aff(Gerig)1948–54	3
M21	Civilian Internee Files, 1941–45	Film
58D740	Clemency&Parole Bd/War Criminals (Jap.)1952–8	45
60D37	Corr Files-Off of S. African Affairs 1950–2	1
66D428	Country Laws & Regulations 1957	3
56D553	Country Trade Subject Files 1934–50	4
55D429	Deputy Asst Sec/United Nations Affairs1944–53	12
54D202	Director-Office of Public Affairs (Russell)	15
58D133	Disarmament Files 1942–52	34
60D131	Div For Activity Correl/FBI Memoranda 1947–53	21
58D116	Div of Foreign Activity Correlation 1942–51	32
52D432	E.W. Barrett-Asst Sec for Public Affairs 1951	6
60D449	Economic Affairs of India 1953–58 Subj Files	1
57D289	Economic Bur-Int'l Business Practices 1944–52	33
56D509/ 56D617.	Eur Reg Aff-Danube Flood Relief Prog 1954–6	1
56D617/ 56D509.	Eur Reg Aff-East-West Trade Files 1952–4	1
60D240	Exec Sec. Committee & Subject Files-S. Area 1943–53.	13
53D403	ExecSec-Draft Acheson Speeches/w/Truman 1950–3.	31
65D464	ExecSec:Nat'l Aeronautics & Space Council 1959	2
60D24	Exploitation/Captured German Records 1945–8	10
60D11	Far East Aff-Sp Asst. for Reg. Progr 1953–7	1
53D470	Files of Ambassador Jessup, 1948–53	6
58D683	Foreign Service Posts-Files/Name Files 1954–5	1
123	Formulation of European Recovery Prog 1947–50	48
60D113	Francis Wilcox Files 1954–7	4
55D331	FSI—Program Policy Files 1925–48	6
428	Gen Assembly-Special Session-Palestine 1947–51	6
56D459	Gen Rec of Executive Secretariat 1948–56	9
24	Greek, Turkish, Iranian Affairs 1947–50	31
M46	Griffin Mission to SE Asia 1950	6
87D236	Historical Studeis Bd-Historian's Office 1944–54	39
54D84	Inauguaral Mtg IMF/World Bank 1946	6
57D373	India-Nepal-Ceylon Affairs 1944–57	10
52–95	Info Memos-Office of Public Affairs 1948–52	3
57D244	Int'l Commodity Problems 1946–50	3
53D307	Int'l Refugee Org/Displaced Persons Commiss 1946–52.	22
52–40	Int'l Security Admin—Central Files 1944–51	30
52–24	Int'l Security Aff-Policy & Program Dev 1947–51	24
53D443	Int'l Security Affairs Committee 1951	5
54D5	Inter- & Intra-Dept'l Committees 1942–52	21
52D408	Intergov Cmte on Refugees/Migration/UNRRA 1944–47.	20
60D133*	Internat'l Economic Devel-Subj Files 1945–56	3
57D284	International Trade Files 1934–56	105
58D576	Investigation of Commerce Int'l Corp 1945–54	3
52D398	Italian Economic Material 1937–51	3
78D173	Japanese Peace Treaty Files 1947–51	4
56D527*	Japanese Peacy Treaty, 1947–54	7
70D254	Johnston Mission/Jordan River Waters 1945–9	6
60D680	KNA Airplane Incident 1958	1
54D170	Labouisse Economic Files 1942–51	3
62D205	Legal Adv-Div of United Nat'l Affairs 1945–9	4
56D540	Legal Adviser German Affairs 1946–56	14
76D107	Loyalty/Security Files re: JP Davies 1942–59	9
61D86	McKnight Files 1958–50	1
62D367	Memos & Docs re: NSC 1947–54	3
59D448	MilAsstCoordDiv-MAPs/EAsian Countries 1953–6	3
59D448A	MilAsstCoordDiv-MAPs/WEur Countries 1952–6	3
57D577	Misc Lot/Subject Files 1947–55	1
57D417	Misc Lot/Subject Files 1949–56	1
55D323	MiscRecs-Predecessor of I.O. 1941–51	31
59D665	Mutual Defense Assistance Control Staff	23
64D234	Mutual Defense Control Staff	1
52–184	NAT Economic & Military Asst Aff Div 1950–1	3
78D394	National Intelligence Estimates 1950–54	6
56D418	Near East & African Affairs 1945–52	3
55D643	Near East Asian Economic Affairs 1947–51	10
58D48	Northern African Affairs 1945–56	5

UNREVIEWED LOT FILES IN NATIONAL ARCHIVES—AS OF DEC. 12, 1990—Continued

[Items with asterisks are currently under review]

Lot number	Description	Boxes
53D211	Off Exec Sec/Jessup Files 1946–52	14
59D3	Off Files of F.F. Lincoln 1954–6	1
52–316	Off of Economic Organiz. Affairs Div 1946–51	3
54D376	Off of For Serv-Vischer & Culley Files 1946–52	2
54D363	Off of Greek, Turkish, Iranian Affairs 1932–51	7
57D298	Off of Near East Asian Affairs 1941–54	18
54D294	Office of A Sec for Admin 1950–53	21
58D627	Office of African Affairs 1950–56	1
54D304	Office of Communications & Records 1949–51	6
57D134	Office of Congressional Relations	21
55D115*	Office of Eur Reg Aff-Parsons Files 1951–3	4
56D571	Office of Greek Affairs 1946–51	1
57D529	Office of Iranian Affairs 1946–54	1
57D155	Office of Iranian Affairs 1946–54	6
54D403	Office of Near Eastern Affairs 1920–52	13
54D341	Office of South Asian Affairs	1
59D237	Office of UN Political Security Affairs 1945–7	13
58D321	Officer in Charge Burma Affairs 1948–55	1
59D612	Officer in Charge Burma Affairs 1949–58	1
59D645*	Officer in Charge French-Iberian Aff 1957–58	1
54D427	Pacific-Nat'l Def/Commercial Air Bases 1943–4	3
57D421	Pakistan-Afghanistan Affairs 1950–56	2
55D592	Palestine Subject Files 1948–51	1
78D442	Petroleum Policy Staff-Iran 1921–51	5
58D207	Philippine & SE Asian Affairs 1940–55	5
53D355/ M–3	Philippine Rehab Program 1946–51	27
55D303	Policy Cmte-Arms & Armaments (PCA) 1947–9	3
56D324	Policy Committee on Immig & Naturaliz 1947–56	6
66D70*	Policy Planning Staff Files 1955	12
66D487*	Policy Planning Staff Files 1956	8
59D539	POW Cmte/Int'l Red Cross Conferences 1946–57	18
57D641	Public Affairs Guidance-African Affairs 1955–6	1
58D245	Publications/Div Research Far East 1946–52	12
55D38	Purse Files—Congressional Liaison 1946–54	3
60D601	Rec of International Refugee Organization 1946–52.	1
55D607	Rec rel to Narcotics Matters 1903–55	62
53D444	Records of Exec Sec/Acheson 1944–52	34
61D78	Records of the Colombo Plan 1958–59	3
88D208	Recs of Foreign Treaties (non-US) 1922–7	42
75D353	Recs re: Helmand River Project 1937–59	2
78D439	Riley Files/UN Truce Middle East 1948–53	3
54D342	Secret Summaries/Current Foreign Rel 1944–45	6
57D462	SOA Reg Conference & Country Files 1951–54	6
57D448	SpAsst Fisheries & Wildlife/Coord Ocean Aff	27
59D1	Special Hungarian Project 1950–57	15
55D400/ 401/ 402*.	Special War Problems Division 1939–54	16
57D657*	Special War Problems Division 1939–54	21
58D6*	Special War Problems Division 1939–54	3
58D7*	Special War Problems Division 1939–54	25
58D8*	Special War Problems Division 1939–54	120
61D200	Subj Files re: Burma/Thailand 1950–59	3
59D439	Subj Files re: China Trade Controls 1955–7	1
57D224	Subj Files re: France 1943–54	1
59D36	Subj Files re: Greece & Cyprus	2
60D39	Subj Files re: Greece/Cyprus 1955–58	1
58D25	Subj Files re: India 1954–56	1
62D68/ 62D409.	Subj Files re: Indonesia 1947–58	2
61D85	Subj Files re: Indonesia 1954–58	2
61D68	Subj Files re: Japan 1954–59	6
68D77	Subj Files re: Laos 1955–61	1
63D18	Subj Files re: Malaya/Singapore 1950–58	2
61D69	Subj Files re: Ryukyu Islands 1952–58	2
60D50	Subj Files re: Thailand 1955–59	1
58D610	Subj Files re: Turkey 1947–58	4
61D96	Subj Files re: Turkey 1954–58	2
62D417	Subj Files re: Union of S. Africa 1948–59	1
56D537	Subj Files re: US–UK Trade 1940–56	1
58D197	Subject Files—Labor Adviser	9
59D170	Treaty Violation Files 1945–9, Un-American Activit	54
61D214	UN Adviser-Bur of NE, Asian & Afric Aff 1940–57	23
58D33	UN Affairs (Hickerson/Murphy/Key) 1945–54	6
57D191	UN Affairs Policy Planning Staff 1949–52	2
300	UN Conference San Francisco 1945	3
54D82	UN Monetary/Financial Conf-Bretton Woods 1944	15
60D454	US Participation in UN 1949	3
53D289	War Refugee Board/Santa Rosa Polish Ref Camp	1
57D277	War Trade Intelligence Files	18
55D601	Western Economic Affairs 1952–54	1
56D37	WEurAff-Indonesia, NEast Indies, NN'Guinea 1948–51.	1
480	World Trade Intelligence Files 1941–46	Film
	Sub-total	1,887
	Material for Which NARA Has No Guidance Due to Subject, Area or Date Span	
69D8	ASec for African Affairs (Williams) 1961–66	3
88D3	Background of EO 10422 1953–79	30
58D213	Executive Secretariat-Daily Summaries 1955–56	6
58D619	Executive Secretariat-Daily Summaries 1957	2
60D530	Executive Secretariat-Daily Summaries 1955–8	9
59D355	John H. Ohly Files	5
70D246	Johnston's Jordan Valley Miss 1954–6	1
84D111	Kissinger Commission—Central America 1983–4	29
76D232	Misc Lot & Office Files 1952–60	2
88D228	Name Cards–Presidential Appointments 1961–8	6
67D158	Nat'l Intell Survey Cmte 1948–62	6
61D43	Office Files rel MidEast Affairs 1958–9	2
66D123	Project GAMMA/Joint US-UK Working Group 1957–8.	3
79D273	Rec re: Bricker Amendment 1952–60	10
85D275	Rec re: Lee Harvey Oswald 1961–4	5

UNREVIEWED LOT FILES IN NATIONAL ARCHIVES—AS OF DEC. 12, 1990—Continued

[Items with asterisks are currently under review]

Lot number	Description	Boxes
69D186	Rec re: Lee Harvey Oswald/Warren Commiss 1958–64.	2
58D338	Rec rel to Iran 1950–55	1
88D226	Recs of Foreign Service Applicants 1978–81	9
57D616	Richards Mission to MidEast 1956–7	6
61D432	Spec Ass for East-West Exchanges. 1955–61	3
61D48	Subj Files re: Arabian Peninsula 1948–58	2
61D260	Subj Files re: Arabian Peninsula 1952–60	2
59D654	Subj Files re: Iran 1950–57	1
60D533	Subj Files re: Iran 1951–58	3
61D407	Subj Files re: Iran 1956–59	2
61D20	Subj Files re: Iraq/Jordan 1955–59	2
61D124	Subj Files re: Israel & Lebanon, 1954–9	1
60D580	Subj Files re: Israel 1955–59	1
59D582	Subj Files re: Labanon/Israel 1955–57	2
61D12	Subj Files re: Middle East 1955–58	3
62-D134	Subj Files re: Near Eastern Affairs 1956–59	1
60D545	Subj Files re: Palestine 1953–57	1
71D368	Subj Files re: PRC 1954–61	1
60D48	Subj Files re: UAR/Sudan 1950–58	2
61D298	Task Force on Latin America 1961	12
	Sub-total	176
	The Following Records Contain a Wide Range of Material, Some of Which May Be of a Type for Which NARA Has No Guidance	
60D516	A Sec Adm/Subject Files 1956–58	3
M88	Council of Foreign Ministers	295
59D293	David E. Longanecker Office Files 1955–7	1
56D454	Div of Acquisition & Distribution-OLI 1947–55	9
62D333	ExecSec/Working Files-Psych. Strategy Bd 1951–3	8
57D321	Files of L. Unger 1951–56	2
58D528	Intell Bureau–Office of the Director 1950–9	6
59D27	Intell Bureau–Office of the Director 1955–9	6
61D417	Meeting Summaries & Project Files 1951–9	6
58D719/ 58D663.	Off of Munitions Control, 1934–59	9
58D742	Off of UN Political Security Affairs 1945–57	13
58D606	Recs rel International Conferences 1949–58	18
59D338/ 59D459.	Special Assistant-Mutual Security Coord 1952–9	51
62D385	Subj Files re: Nat'l Security Policy 1950–57	5
59D71	Transcripts Dept'l Conferences/Meetings 1946–59	126
60D613	US Delegation Posit Papers/Subj Files 1946–59	18
64D214	US Delegations to Int'l Conference	12
	Sub-total	588
	Total	2,651

[Foreign Relations of the United States, 1955–1957]

VOLUME XXV: EASTERN EUROPE

(U.S. Government Printing Office, Washington, 1990)

NOTE: The following memoirs were consulted at the time this volume was prepared in 1980. The Department takes on responsibility for their accuracy nor endorses their interpretation of the events.

[Foreign Relations of the United States, 1955–1957]

VOLUME XIX: NATIONAL SECURITY POLICY

(U.S. Government Printing Office, Washington, 1990)

NOTE: The publications listed below were consulted at the time this volume was prepared in 1978, 1979, and 1980. The Department of State takes no responsibility for their accuracy nor endorses their interpretation of the events.

[From the New York Times, May 8, 1990]

AT THE STATE DEPTARTMENT, HISTORYGATE

(By Warren I. Cohen)

EAST LANSING, MI—The State Department is playing games with history. The result is that thousands of scholars, journalists and diplomats who depend on the renowned series of documents on foreign policy known as "Foreign Relations of the United States" can no longer trust its reliability.

At least one volume published last year, "Iran, 1952–1954," was a fraud, a gross distortion of American activity there. It says nothing about the C.I.A.'s role in overthrowing Prime Minister Mohammed Mossadegh

and restoring the Shah. Do we think we're hiding this from the Iranians?

I resigned, on Feb. 15, as chairman of the State Department's advisory committee on historical diplomatic documentation. I wrote to Secretary of State James Baker that I could not protect the integrity of the 130-year-old series. Besides, his staff reneged on an agreement to provide the committee with the information it needed to prevent further damage to the credibility of the record.

Delays have been caused by an overly elaborate, costly declassification process that encourages distortion and coverup. Beside the secretiveness of the C.I.A. and National Security Council, a few State Department Neanderthals try to hide every minor indiscretion.

At a time when Moscow is disclosing terrible secrets, including Stalin's massacre of 15,000 Polish prisoners in the Katyn Forest, and when we are flooded with documents from Eastern European archives, our Government has undermined the reputation of its own documentation. It is hiding 30- to 40-year-old "secrets" and publishing a misleading record.

Before this scholarship is treated with the contempt that has long greeted most of its foreign equivalents, steps must be taken to restore the integrity of these volumes.

The State Department should immediately implement an agreement negotiated last year that restores the advisory committee's access to material withheld from publication in order to enable it to determine whether such omissions distort the record.

To prevent future obstruction, Congress should speed up the declassification process, which has slowed from getting 20-year-old documents in the 60's to, at best, 30-year-old documents in the 80's.

Congress should require the State Department to form a committee to review all documents that are withheld on national security grounds. The members ought to include organizations represented on the advisory committee—among them, the American Historical Association, Organization of American Historians and Society for Historians of American Foreign Relations.

The committee should contain, for the first time, representatives of the Foreign Service Association, the media and staffs of Congressional committees concerned with foreign affairs. All members would be required to obtain security clearances. The department would retain responsibility for determining what is to be published.

It is not in our national interest that foreign governments and U.S. citizens suspect that the State Department is in the historical-fiction business.

[From the Boston Globe, May 27, 1990]

THE NATION'S LEGACY: WHY U.S. FOREIGN-POLICY RECORDS ARE "A FRAUD"

(By Claiborne Pell and David L. Boren)

The first volume of Foreign Relations of the United States, the publication that constitutes the official record of US foreign policy, covered US diplomacy for the year 1861. Our foreign policy for much of that year centered on the secession of the Southern states and US attempts to discourage foreign recognition of the Confederacy. That volume was published in 1862, only one year after the events, a far cry from present volumes. which are running close to 40 years behind current events.

To be sure, it was easier in those less complicated times for the State Department to search through its files and produce all the needed documents, because that single department was the locus of virtually all US diplomatic efforts. At the same time, one can imagine the objections of cautious declassifiers in the 1860s, bridling at the release of crucial documents so soon after the events. Despite its many years of publication, the same issue faces the Foreign Relations series today.

The Foreign Relations volume covering the Guatemalan coup of 1954, for example, in which a force under Col. Castillo Armas overthrew the government of President Jacobo Arbenz, contains no mention of the CIA's role in that operation. In fact, the only CIA document in this section suggests the contrary: that there was no CIA involvement in the coup. The Guatemala documents were published in 1983, almost 30 years after the event and long after knowledge of the CIA's role in this operation had become well known.

Likewise, the volume on Iran for the period 1952–1954 does not indicate the CIA's role in overthrowing the Mossadeq government there, although a substantial account has been published on the coup by a CIA officer who was involved in the operation, and it is substantially covered in materials released by the British government—which has traditionally been at least as cautious as the United States in its declassification schedules.

The chairman of the State Department's own advisory committee on historical documentation, Professor Warren I. Cohen of Michigan State University, resigned earlier this year in objection to the way in which declassification is now being handled. He has written that the Iran, 1952–1954 volume is "a fraud, a gross distortion of American activity there." Noting that the volume says nothing about the CIA's role, he asks, "Do we think we're hiding this from the Iranians?"

Historians and political scientists throughout the world depend on the Foreign Relations series, the official diplomatic record, which is edited and prepared by the State Department's Office of the Historian, Bureau of Public Affairs, as a basic source for the raw materials that are essential to their work. State Department files are supplemented by papers from other government agencies involved in the formulation of foreign policy.

The series was institutionalized by Secretary of State Frank B. Kellogg, who in 1926 issued the instructions that still govern these volumes. There should be no alteration of the text, said Kellogg, and no deletions without indicating where deletions have been made. Further, nothing may be omitted "for the purpose of concealing or glossing over what might be regarded by some as a defect of policy."

Omissions of documents are permissible under Kellogg's guidelines only where they would be redundant, where publication would "tend to impede current diplomatic negotiations or other business," as necessary "to preserve the confidence reposed in the Department (of State) by individuals and foreign governments," and for other limited reasons. The Preface to each volume states that it contains, "subject to necessary security considerations, all documents needed to give a comprehensive record of the major foreign policy decisions of the United States."

In these days of high-speed code machines, nearly all of what constitutes the record of US foreign policy is initially classified. In addition, important information pertinent to the diplomatic record involves actions by agencies other than the State Department, such as the National Security Council and the Central Intelligence Agency. The State Department has its own declassifiers, but they have no control over—and little influence on—the other agencies and organizations whose records are needed for a complete picture of US foreign policy to emerge.

As chairman, respectively, of the Senate Foreign Relations and Senate Intelligence committees, we are acutely aware of the need to control access to classified documents in cases when releases would be damaging to the United States or our allies. We support the director of Central Intelligence as he exercises his responsibility to safeguard US intelligence sources and methods, and to hold in confidence information collected by the CIA and other elements of the intelligence community. We support equally the efforts of the secretary of state to safeguard our diplomatic communications and protect our foreign policy interests. We do not want to release documents that ought to remain classified.

Having said this, however, we find it amazing that so many documents are omitted from the Foreign Relations series many years after the events took place, and long after the need for classification has vanished.

To some people, the accuracy of the historical record may appear to be a peripheral issue. We disagree. In a democracy, where the people make policy, it is essential for all of us to know accurately our own past.

Mr. BOREN. Mr. President, an important part of the authorization bill that we are considering at this time concerns the historical documents volumes published by the State Department as the Foreign Relations of the United States. This series has been published by the State Department since 1862, and the volumes provide a record of U.S. foreign policy that is of value to scholars, journalists, and the interested citizens of this country.

It came to my attention last year, as it did to other Members of this body, that some of the recent volumes contain serious flaws. Specifically, the volumes on Iran in the 1950's and Guatemala in 1954 omitted documents that reflected the CIA's role in those countries during the period covered by the series. These omissions were made despite widespread knowledge of the CIA's role in these activities, and despite the fact that the CIA itself had given publication clearance to the memoirs of certain former CIA officers who had worked on the Iran operation.

It seemed to me, as it did to then-Intelligence Committee Vice Chairman COHEN and to the chairman and ranking member of the Foreign Relations Committee, that there was a way to correct this problem without harming national security information. A bill that addressed this issue was introduced by the four of us and passed the Senate in the last days of the previous Congress. It passed too late in the session, however, to be considered by the House of Representatives. The State Department authorization bill contains at part F a section that is very similar

to the bill the Senate passed last year, and I support that provision.

As chairman of the Select Committee on Intelligence, I want to be sure that any publication of documents in a publicly available series, or any systematic declassification of State Department documents, was done in such a fashion that national security was not harmed. I am convinced that this legislation meets that objective. I am convinced that the mechanisms established in this legislation contain safeguards adequate to protect the legitimate interests of the U.S. intelligence community while allowing the public to know how U.S. foreign policy has been formulated and implemented.

Specifically, no documents are even considered for publication unless they are at least 26 years old. This number was selected by the intelligence agencies to insure that more recent operational information would not even be inadvertently released.

Any State Department historians or State Department Advisory Committee members who are given access to classified intelligence documents—even those 26 years old or older—must have the high-level security clearances required for access to the document. This could even include polygraphs in some instances. Both the State Department Historian and the Advisory Committee members have been informed of this requirement.

The originating agency is never forced to declassify the document if the head of that agency believes that even after 26 years it is still too sensitive to be made public. A report has to be made to the Secretary of State if there is a refusal to declassify or to prepare a redacted document or to prepare a declassified summary of the document.

There are certain exemptions to the systematic 30-year declassification of State Department records, exemptions that I believe are quite reasonable and protect both national security information and the privacy of living individuals who have furnished information to the U.S. Government.

Mr. President, I believe this legislation represents a reasonable compromise between those who would keep all information classified forever on the grounds that something in it might possibly at some future time be of value to a foreign government and those who do not recognize the necessity for keeping certain information classified for a period of time. I believe that the declassification exemptions for 26-year-old intelligence records for 30-year-old State Department records should be used sparingly. These exemptions are not to be regarded as loopholes by which agencies can refuse to allow the American public to know what forces and decisions have guided U.S. foreign policy. They are to be used selectively and only when there is a genuine need to protect national security secrets.

Over the past year, we have incorporated many of the agencies' suggestions into this version of the legislation. I will not tell you that the Intelligence agencies are wholeheartedly in favor of this legislation, but I will say that their disagreement with it in its present form has been muted. I am convinced that this legislation contains the safeguards required to protect the needs of the intelligence community. Fewer safeguards would not satisfy me; greater restrictions would not satisfy the public's right to know.

I stand behind this part of the State Department's authorization bill.

MEASURE INDEFINITELY POSTPONED—S. 1433

Mr. WIRTH. Mr. President, I ask unanimous consent that S. 1433 be indefinitely postponed.

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

RELATIVE TO REDEFINING MEMBERSHIP, ELIGIBILITY IN THE AMERICAN LEGION

Mr. WIRTH. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1568, a bill to amend the act incorporating the American Legion, so as to redefine eligibility for membership therein, and that the Senate proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1568) to amend the Act incorporating the American Legion so as to redefine eligibility for membership therein.

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

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

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows.

S. 1568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act entitled "An Act to incorporate The American Legion", approved September 16, 1919 (41 Stat. 285; 36 U.S.C. 45), is hereby amended to read as follows:

SEC. 5. No person shall be a member of this corporation unless such person has served in the naval or military services of the United States at some time during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; December 22, 1961, to May 7, 1975; August 24, 1982, to July 31, 1984; December 20, 1989, to January 31, 1990; August 2, 1990, to the date of cessation of hostilities, as determined by the United States Government; all dates inclusive, or who, being a citizen of the United States at the time of entry therein, served in the military or naval service of any governments associated with the United States during said wars or hostilities: *Provided, however,* That such person shall have an honorable discharge or separation from such service or continues to serve honorably after any of the aforesaid terminal dates.".

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

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

The motion to lay on the table was agreed to.

AUTHORIZING TESTIMONY BY AND REPRESENTATION OF MEMBERS OF THE SENATE

Mr. WIRTH. Mr. President, on behalf of the majority leader, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 160) to authorize testimony by and representation of Members of the Senate and in re: American Continental Corporation/Lincoln Savings & Loan Securities Litigation.

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

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

Mr. MITCHELL. Mr. President, several days ago the Senate agreed to Senate Resolution 158, 102d Congress, authorizing a former employee of the Senate to give a deposition in civil litigation in the U.S. District Court for the District of Arizona arising out of the failure of Lincoln Savings and Loan Association. That testimony had been requested by defendants in the proceedings, which are known as In re American Continental Corporation/Lincoln Savings and Loan Association.

The plaintiffs in the litigation, who are bondholders who had invested money in American Continental Corp., Lincoln's parent company, are also seeking deposition testimony, from Senators, JOHN GLENN and JOHN MCCAIN, concerning the role played by accountants in this matter. In keeping with Senate practice, and at the request of the Senators, this resolution would authorize the Senators to testify and to be represented by the Senate Legal Counsel for purposes of protecting the Senate's constitutional privileges. Apart from matters of institutional privilege, the Senators will utilize their personal counsel.

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

The resolution (S. Res. 160) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 160

Whereas in In re American Continental Corporation/Lincoln Savings & Loan Securities Litigation, MDL Docket No. 834, pending in the United States District Court for the District of Arizona, plaintiffs have requested the testimony of Senator John Glenn and Senator John McCain;

Whereas pursuant to section 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas by rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Senator John Glenn and Senator John McCain are authorized to testify in In re American Continental Corporation/Lincoln Savings & Loan Securities Litigation, except when their attendance at the Senate is necessary for the performance of their legislative duties and except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Senator John Glenn and Senator John McCain in connection with their testimony in In re American Continental Corporation/Lincoln Savings & Loan Securities Litigation.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

APPOINTMENT OF CONFEREES—H.R. 2508

Mr. WIRTH. Mr. President, I ask unanimous consent that the following Senators be appointed by the Chair as conferees on H.R. 2508, only with respect to chapter 7 of title VII—relating to authority for the President to sell, reduce, or cancel loans made pursuant to the Export-Import Bank Act of 1945—and chapter 1 of title IX—relating the IMF quota increase and authority for the U.S. Government to accept the proposed amendments to the Fund's Articles of Agreement: Mr. RIEGLE, Mr. SARBANES, and Mr. GARN.

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

MESSAGES FROM THE HOUSE

At 12:52 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 bills, in which it requests the concurrence of the Senate:

H.R. 2507. An act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes; and

H.R. 2893. An act to extend to 1991 crops the disaster assistance provisions of the Food, Agriculture, Conservation, and Trade Act of 1990.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2507. An act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes; to the Committee on Labor and Human Resources.

H.R. 2893. An act to extend to 1991 crops the disaster assistance provisions of the Food, Agriculture, Conservation, and Trade Act of 1990; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1247: A bill to amend the Securities Exchange Act of 1934 to extend the regulatory authority of the Secretary of the Treasury under the Government Securities Act of 1986, and for other purposes (Rept. No. 102–126).

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–207. A joint resolution adopted by the Legislature of the State of Alaska to the Committee on Commerce, Science, and Transportation.

SENATE JOINT RESOLUTION 12

Be it resolved by the Legislature of the State of Alaska:

"Whereas development of the state's resources is an important issue to residents of the state, and the Alaska Legislature has generally supported initiatives to develop those resouces, including those resources that may be found in the coastal and ocean waters and on the seabed of the outer continental shelf adjacent to the state; and

"Whereas, under current law, the federal government is not required to share the lease sale income, royalties, and other revenue generated from outer continental shelf resource development, leaving to the states and affected municipalities the responsibility of meeting any increased costs attributable to the development; and

"Whereas S. 49, the Ocean and Coastal Resources Enhancement Act, pending during the 102nd Congress, would, if approved, require the federal government to share one-third of the revenue generated by a particular development located on a state's outer continental shelf with the adjacent state and the communities within the state that are affected by the development; and

"Whereas the revenue-sharing concept set out in S. 49 would assist the states and their municipalities to meet dislocations and adverse effects of outer continental shelf resources development projects, accelerate the development of necessary infrastructure, provide capital for necessary support services, and provide revenue for essential environmental protection projects;

"*Be it resolved* That the Alaska State Legislature endorses and supports S. 49 and urges its prompt passage by the United States Congress and approval by the President of the United States."

POM–208. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources:

SENATE JOINT RESOLUTION 30

"Be it resolved by the Legislature of the State of Alaska:

"Whereas the state supports the prudent and orderly development of the state's outer continental shelf oil and gas resources in an environmentally acceptable manner; and

"Whereas, with the exception of the North Aleutian Basin section of Bristol Bay, the state has not requested a ban or moratorium on oil and gas leasing and drilling on any of Alaska's outer continental shelf planning areas; and

"Whereas the state does not receive any significant revenue from outer continental shelf oil and gas lease sales; and

"Whereas an annual average of 45,000,000 to 60,000,000 adult salmon migrate through the North Aleutian Basin to the Bristol Bay river system, and an annual average of 1,000,000,000 salmon smolt out-migrate through the North Aleutian Basin to ocean feeding grounds; and

"Whereas the entire North Aleutian Basin is within an area defined by the International Pacific Halibut Commission as a halibut nursery conservation area; and

"Whereas the current federal oil drilling leases in the North Aleutian Basin are located in a vital red king crab habitat area; and

"Whereas the Bristol Bay region is considered to be one of the world's richest fisheries and is home to numerous migratory waterfowl, sea birds, and marine mammals that are important to subsistence as well as to the North Aleutian Basin ecosystem; and

"Whereas Bristol Bay region domestic commercial fisheries for salmon, crab, herring, pollock, halibut, yellowfin sole, rock sole, cod, and other groundfish have an average annual wholesale value of approximately $1,000,000,000 and employ over 10,000 people annually; and

"Whereas the state recognized the economic importance of the Bristol Bay area when it set aside the Bristol Bay fisheries reserve; and

"Whereas currently there is a moratorium on oil and gas leasing in the North Aleutian Basin; and

"Whereas there is an element of risk in all oil and gas exploration, development, and transportation; Be it

"*Resolved*, That the Alaska State Legislature finds the existing benefits to the people

of Alaska and the nation from the Bristol Bay fisheries far outweigh the federal government's need to explore the region for oil and gas; And be it further

"*Resolved*, That the Alaska State Legislature supports the development of a federal plan to repurchase the oil and gas leases that were sold in North Aleutian Basin Lease Sale 92 or to allow the lessees to credit the cost of the leases towards other federal outer continental shelf sales; And be it further

"*Resolved*, That the Alaska State Legislature respectfully requests the Governor of Alaska, the appropriate federal officials, and the appropriate federal legislators to enter into discussions for the purpose of reaching an agreement on a repurchase or credit plan for the leases that resulted from Lease Sale 92; And be it further

"*Resolved* by the Alaska State Legislature that a Lease Sale 92 repurchase or credit plan should include a provision that the leases that are repurchased or included in a credit plan may not be resold; And be it further

"*Resolved*, That the Alaska State Legislature respectfully requests the United States Congress and the United States Secretary of the Interior to continue the current moratorium on oil and gas leasing in the North Aleutian Basin outer continental shelf planning area and implement the repurchase or credit plan."

POM-209. A joint resolution adopted by the Third Olbiil Era Kelulau; ordered to lie on the table:

"SENATE JOINT RESOLUTION 3-116

"Whereas Congressman George Miller became congressman in the 94th Congress of the United States, and has served successively in the House of Representatives of the U.S. Congress ever since up to the present 102nd Congress of the United States; and

"Whereas because of his resourceful skills and untiring efforts in the service of the House Committee, Congressman Miller was recently chosen by his colleagues in the Committee to assume the chairmanship of this important Committee after the retirement of Congressman Morris K. Udall, who then was the Chairman; now, therefore,

"*Be it resolved* by the Senate of the Third Olbiil Ara Kelulau, Fourteenth Special Session, 1991, the House of Delegates concurring, that on behalf of the people of the Republic of Palau the Olbiil Era Kelulau does hereby congratulate and commend Congressman George Miller of California on the occasion of his assumption of the chairmanship of the House Committee on Interior and Insular Affairs, U.S. Congress."

POM-210. A joint resolution adopted by the Third Olbiil Era Kelulau; ordered to lie on the table:

"SENATE JOINT RESOLUTION 3-117

"Whereas Congressman Morris K. Udall from Arizona became congressman in the 87th Congress of the United States, and has served successively ever since up to the present 102nd Congress of the United States; and

"Whereas since then Congressman Udall's wise counsel, resourceful skills and unremitting efforts in the service of weak people of underdeveloped countries exemplify greatest sacrifice in its highest tradition; and

"Whereas despite his personal discomfort as a result of some form of ailments, which prevented him from traveling great distances, Congressman Udall made a trip in not too distant past with his Committee to the Republic of Palau as part of his dedicated services to the people; and

"Whereas Congressman Udall has recently retired for an acute medical reason he himself refused to acknowledge, because of his great love to serve the people; now, therefore,

"*Be it resolved* by the Senate of the Third Olbiil Era Kelulau, Fourteenth Special Session, 1991, the House of Delegates concurring, that on behalf of the entire Republic of Palau the Olbiil Era Kelulau does hereby express recognition and commend the Honorable Morris K. Udall, Congressman from Arizona, on the occasion of his retirement and for his long and outstanding services as Chairman of the House Committee on Interior and Insular Affairs, U.C. Congress."

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. METZENBAUM (for himself, Mr. GRASSLEY, Mr. GRAHAM, and Mr. HATFIELD):

S. 1577. A bill to amend the Alzheimer's Disease and Related Dementias Services Research Act of 1986 to reauthorize the act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. THURMOND:

S. 1578. A bill to recognize and grant a Federal charter to the Military Order of World Wars; to the Committee on the Judiciary.

By Mr. INOUYE (for himself, Mr. MCCAIN, Mr. HOLLINGS, Mr. DANFORTH, Mr. FORD, Mr. GORE, Mr. SIMON, Mr. BRYAN, Mr. GRASSLEY, Mr. JEFFORDS, Ms. MIKULSKI, Mr. PRESSLER, Mr. BURNS, and Mr. FOWLER):

S. 1579. A bill to provide for regulation and oversight of the development and application of the telephone technology known as pay-per-call, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. AKAKA, Mr. BURDICK, Mr. DECONCINI, Mr. SIMON, and Mr. CRANSTON):

S. 1580. A bill to amend chapter 35 of title 5, United States Code, to provide for reemployment of certain Federal employees after a reduction in force, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ROCKEFELLER:

S. 1581. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance technology transfer for works prepared under certain cooperative research and development; to the Committee on Commerce, Science, and Transportation.

By Mr. MITCHELL (for himself, Mr. DASCHLE, Mr. MOYNIHAN, Mr. ROCKEFELLER, and Mr. BRADLEY):

S. 1582. A bill to amend title XVIII of the Social Security Act to provide for eligibility for home health services on the basis of a need for occupational therapy; to the Committee on Finance.

By Mr. EXON (for himself, Mr. DANFORTH, and Mr. KASTEN):

S. 1583. A bill to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations and to improve pipeline safety, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KASTEN (for himself, Mr. MACK, Mr. NICKLES, Mr. LUGAR, Mr. GRAMM, Mr. ROTH, Mr. HELMS, Mr. BURNS, Mr. BROWN, Mr. SYMMS, Mr. GARN, Mr. COCHRAN, Mr. MURKOWSKI, and Mr. LOTT):

S.J. Res. 185. A joint resolution recognizing the 10th anniversary of the enactment of the Economic Recovery Tax Act of 1981; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WIRTH (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 160. A resolution to authorize testimony by and representation of Members of the Senate in In re American Continental Corporation/Lincoln Savings and Loan Securities Litigation; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. METZENBAUM (for himself, Mr. GRASSLEY, Mr. GRAHAM, and Mr. HATFIELD):

S. 1577. A bill to amend the Alzheimer's Disease and Related Dementias Services Research Act of 1986 to reauthorize the Act, and for other purposes; to the Committee on Labor and Human Resources.

ALZHEIMER'S DISEASE RESEARCH, TRAINING, AND EDUCATION AMENDMENTS

Mr. METZENBAUM. Mr. President, 20 years ago, no one in this country had heard much about the two A's, two illnesses, one called AIDS, and one called Alzheimer's.

I rise today to introduce legislation dealing with the subject of Alzheimer's, an illness that has pervaded this Nation, that has afflicted the aged, that has come about as if it were a wave crossing the Nation.

Today, literally hundreds of thousands, millions of senior citizens are walking along well, doing well, but they have lost their memory. They cannot remember where they are or where they are going. Some have lost their voices.

Alzheimer's takes such an unbelievable toll upon so many millions of Americans, and the problem is increasing, not decreasing.

Mr. President, today with my distinguished colleagues, Senator GRASSLEY of Iowa, Senator GRAHAM of Florida, and Senator HATFIELD of Oregon, I rise to introduce the Alzheimer's Disease Research, Training, and Education Amendments of 1991.

This is not the first piece of legislation on this issue. In fact, Senator GRASSLEY and I have collaborated to produce Alzheimer's legislation some years ago. As always, I am proud to have his major contributions to this bipartisan consensus bill.

Today, more than 4 million Americans are afflicted with Alzheimer's disease—a tragic and irreversible affliction that destroys the mind and humanity of its victim. And the situation may get worse.

The number of people with severe dementia is projected to exceed 6 million by the year 2040. Moreover, the fastest growing age group, the over 85 population, is particularly at risk of becoming afflicted with Alzheimer's.

With the year 2000 just a decade away, we must act to stem the devastation that Alzheimer's inflicts on patients and their families. Our gravest error with the greatest human and financial cost would be to do nothing in the face of this massive health problem.

The Alzheimer's Disease Research, Training, and Education Amendments of 1991 attacks this disease on many fronts. It reauthorizes Title IX of Public Law 99-660, which established the Council on Alzheimer's Disease.

The council consists of the heads of many Federal health agencies. It is authorized to coordinate and report on federally sponsored research efforts.

The advisory panel is composed of national leaders in five categories of expertise: Biomedical research scientists, health service providers, long-term care providers, financing, and family care givers in national voluntary organizations. It has been highly praised in meeting its charge to advise the the Department of Health and Human Services, the Council, and Congress on Alzheimer's Research Priorities and Policy recommendations.

By now, we all know that research is not the only weapon we must use in fighting this disease. We must also develop the best and most cost-effective services for clinical and supportive care of Alzheimer's victims and their families.

Alzheimer's is costing us some $90 billion a year in Medicare nursing home payments and family resources. In addition, the most recent report of the advisory panel documents that our health personnel are inadequately trained to meet the long-term care needs of Alzheimer's patients.

Our legislation will continue the authorization for the awarding of grants for the training of health care professionals, paraprofessionals, and family caregivers. It also establishes a national education program on Alzheimer's to promote public awareness.

The cost of this bill is miniscule compared to the human and financial devastation that would be averted. Indeed, we could double our Federal spending on Alzheimer's research and treatment for about as much as we spend on the wings and wheels of just one B-2 Stealth bomber.

Mr. President, the choice is clear, we can and must move forward on combating Alzheimer's disease.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1577

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 "Alzheimer's Disease Research, Training, and Education Amendments of 1991".

SEC. 2. SHORT TITLE OF ACT.

Section 901 of the Alzheimer's Disease and Related Dementias Services Research Act of 1986 (42 U.S.C. 11201 note) is amended by striking "Services Research Act of 1986" and inserting "Research Act of 1991".

SEC. 3. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Alzheimer's Disease and Related Dementias Research Act of 1991 (42 U.S.C. 11201 et seq.).

SEC. 4. FINDINGS.

Section 902 (42 U.S.C. 11201) is amended—

(1) by redesignating paragraphs (7) through (12) as paragraphs (9) through (14);

(2) by striking paragraphs (4), (5), and (6); and

(3) by inserting after paragraph (3) the following new paragraphs:

"(4) the cost of caring for individuals with Alzheimer's disease and related dementias is great, and conservative estimates range between $38,000,000,000 and $42,000,000,000 per year solely for direct costs;

"(5) progress in the neurosciences and behavioral sciences has demonstrated the interdependence and mutual reinforcement of basic science, clinical research, and services research for Alzheimer's disease and related dementias;

"(6) programs initiated as part of the Decade of the Brain are likely to provide significant progress in understanding the fundamental mechanisms underlying the causes of, and treatments for, Alzheimer's disease and related dementias;

"(7) although substantial progress has been made in recent years in identifying possible leads to the causes of Alzheimer's disease and related dementias, and more progress can be expected in the near future, there is little likelihood of a breakthrough in the immediate future that would eliminate or substantially reduce—

"(A) the number of individuals with the disease and dementias; or

"(B) the difficulties of caring for the individuals;

"(8) the responsibility for care of individuals with Alzheimer's disease and related dementias falls primarily on their families, and the care is financially and emotionally devastating;".

SEC. 5. COUNCIL ON ALZHEIMER'S DISEASE.

(a) ESTABLISHMENT.—Section 911 (42 U.S.C. 11211) is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking "and Communicative Diseases" and inserting "Disorders";

(B) by striking paragraphs (10), (11), and (12); and

(C) by adding at the end the following new paragraphs:

"(10) the Administrator of the Agency for Health Care Policy and Research;

"(11) the Administrator of the Health Resources and Services Administration;

"(12) the Director of the National Center for Nursing Research;

"(13) the Chief Medical Director of the Department of Veterans Affairs;

"(14) the Director of the National Center for Health Statistics; and

"(15) such additional members as the Secretary of Health and Human Services (hereinafter referred to as the 'Secretary') considers appropriate.";

(2) by striking subsection (b) and inserting the following new subsection:

"(b) The Assistant Secretary for Health shall serve as the Chairman of the Council."; and

(3) in subsection (d), by striking "twice" and inserting "once".

(b) FUNCTIONS.—Section 912 (42 U.S.C. 11212) is amended—

(1) in subsection (a)—

(A) by adding "and" at the end of paragraph (3);

(B) by striking "; and" at the end of paragraph (4) and inserting a period; and

(C) by striking paragraph (5); and

(2) by striking subsection (b) and inserting the following new subsection:

"(b)(1) The Chairman of the Council shall submit to the committees listed in paragraph (2) a report containing information on—

"(A) progress made by research, sponsored by the Federal Government, on Alzheimer's disease and related dementias; and

"(B) new directions that the Council considers potentially important in research on Alzheimer's disease and related dementias.

"(2) The Chairman of the Council shall submit the report described in paragraph (1) to—

"(A) the Committee on Energy and Commerce of the House of Representatives;

"(B) the Committee on Ways and Means of the House of Representatives;

"(C) the Committee on Veterans' Affairs of the House of Representatives;

"(D) the Committee on Appropriations of the House of Representatives;

"(E) the Committee on Labor and Human Resources of the Senate;

"(F) the Committee on Finance of the Senate;

"(G) the Committee on Veterans' Affairs of the Senate; and

"(H) the Committee on Appropriations of the Senate.".

SEC. 6. ADVISORY PANEL ON ALZHEIMER'S DISEASE.

(a) ESTABLISHMENT.—Section 921 (42 U.S.C. 11221) is amended—

(1) in subsection (a)(2), by striking "the Director of the National Center for Health Services Research and Health Care Technology Assessment" and inserting "the Administrator of the Agency for Health Care Policy and Research";

(2) in subsection (d), to read as follows:

"(d)(1)(A) Except as provided in subparagraph (B), members of the Panel appointed under subsection (a)(1) shall each serve for a term of 3 years.

"(B) Of the members appointed under subsection (a)(1) that are serving on the Panel on the day before the date of the enactment of this subsection—

"(i) five shall serve for a term that expires on such date;

"(ii) five shall serve for a term that expires 1 year after such date; and

"(iii) five shall serve for a term that expires 2 years after such date.

"(2) A vacancy on the Panel shall be filled in the same manner as the original appointment was made, and not later than 90 days after the date on which the vacancy first arises. A vacancy on the Panel shall not affect the powers of the Panel.";

(3) in subsection (f), by striking "twice" and inserting "once";

(4) in subsection (h), by striking "of $100 per day" and inserting "at the daily equivalent of the maximum rate specified for GS–15 of the General Schedule under section 5332 of title 5, United States Code,"; and

(5) by adding at the end the following new subsection:

"(i) Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), on September 30, 1996, the Panel shall be abolished and all programs established under this part shall terminate.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 923 (42 U.S.C. 11223) is amended to read as follows:

"SEC. 923. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, $150,000 for fiscal year 1992, $157,500 for fiscal year 1993, $165,500 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 7. RESEARCH RELATING TO SERVICES FOR INDIVIDUALS WITH ALZHEIMER'S DISEASE AND RELATED DEMENTIAS AND FAMILIES OF THE INDIVIDUALS.

(a) RESPONSIBILITIES OF THE NATIONAL INSTITUTE OF MENTAL HEALTH.—

(1) GRANTS.—Section 931 (42 U.S.C. 11251) is amended—

(A) by striking subsections (b)(2) and (c);

(B) in subsection (a), by inserting "and specialized care" after "services"; and

(C) in subsection (b)(1)—

(i) by striking "Within 6 months" and all that follows through "plan shall" and inserting "The Director of the National Institute of Mental Health shall";

(ii) in subparagraph (A)—

(I) by striking "provide for" and inserting "ensure that the research conducted under subsection (a) includes";

(II) by striking clause (iii) and inserting the following new clause:

"(iii) the optimal range, types, and cost-effectiveness of services and specialized care for individuals with Alzheimer's disease and related dementias and for their families, in community and residential settings (including home care, day care, and respite care), and in institutional settings, particularly with respect to—

"(I) the design of the services and care;

"(II) appropriate staffing for the provision of the services and care;

"(III) the timing of the services and care during the progression of the disease or dementias; and

"(IV) the appropriate mix and coordination of the services and specialized care;";

(III) in clause (iv), by inserting "the evaluation of best practices for the development of" before "appropriate"; and

(IV) in clauses (v) and (vii), by striking "and nursing home services" and inserting "nursing home services, and other residential services and care"; and

(iii) in subparagraph (B), by striking "research carried out under the plan" and inserting "the research".

(2) CONFORMING AMENDMENTS.—Section 931(b) (42 U.S.C. 11251(b)) is amended—

(A) by striking "(1)";

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(C) in paragraph (1) (as redesignated by subparagraph (B) of this paragraph), by redesignating clauses (i) through (vii) as subparagraphs (A) through (G), respectively.

(3) AUTHORIZATION OF APPROPRIATIONS.—Section 933 (42 U.S.C. 11253) is amended to read as follows:

"SEC. 933. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart $8,000,000 for fiscal year 1992, $9,000,000 for fiscal year 1993, $10,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

(b) RESPONSIBILITIES OF THE AGENCY FOR HEALTH CARE POLICY AND RESEARCH.—

(1) RESEARCH PROGRAM AND PLAN.—Section 934 (42 U.S.C. 11261) is amended to read as follows:

"SEC. 934. RESEARCH PROGRAM.

"(a) GRANTS FOR RESEARCH.—The Administrator of the Agency for Health Care Policy and Research shall conduct, or make grants for the conduct of, research relevant to appropriate services for individuals with Alzheimer's disease and related dementias and for their families.

"(b) RESEARCH SUBJECTS.—The Administrator of the Agency for Health Care Policy and Research shall ensure that research conducted under subsection (a) shall include research concerning—

"(1) improving the organization, delivery, and financing of services for individuals with Alzheimer's disease and related dementias and for their families, including research on the design, staffing, and operation of special care units for the individuals in institutional settings, as well as individuals in home care, day care, and respite care;

"(2) the costs incurred by individuals with Alzheimer's disease and related dementias and by their families in obtaining services, particularly services that are essential to the individuals and that are not generally required by other patients under long-term care programs; and

"(3) the costs, cost-effectiveness, and effectiveness of various interventions to provide services for individuals with Alzheimer's disease and related dementias and for their families.".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 936 (42 U.S.C. 11263) is amended to read as follows:

"SEC. 936. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart $4,000,000 for fiscal year 1992, $5,000,000 for fiscal year 1993, $6,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 8. TRAINING AND EDUCATIONAL ACTIVITIES.

(a) ACTIVITIES.—Section 962 (42 U.S.C. 11292) is amended to read as follows:

"SEC. 962. EDUCATION OF THE PUBLIC, INDIVIDUALS WITH ALZHEIMER'S DISEASE AND THEIR FAMILIES, AND HEALTH AND LONG-TERM CARE PROVIDERS.

"(a) TRAINING AND CONTINUING EDUCATION GRANTS.—

"(1) GRANTS.—The Director of the Bureau of Health Professions may award grants to eligible entities to enable the entities to provide training programs, and continuing education programs, with respect to health care for individuals with Alzheimer's disease or related disorders.

"(2) AWARD OF GRANTS.—In awarding grants under this subsection, the Director of the Bureau of Health Professions shall—

"(A) award the grants on the basis of merit;

"(B) award the grants in a manner that will ensure access to the programs described in paragraph (1) by rural, minority, and underserved populations throughout the country; and

"(C) ensure that the grants are distributed among the principal geographic regions of the United States.

"(3) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Director of the Bureau of Health Professions at such time, in such manner, and containing or accompanied by such information, as the Director may reasonably require, including, at a minimum—

"(A) an assurance that the eligible entity will make the training programs and continuing education programs described in paragraph (1) available to health care professionals, health care paraprofessionals, and family caregivers; and

"(B) an assurance that the eligible entity will coordinate such training programs and continuing education programs with the Alzheimer's Disease Research Centers described in section 445(a) of the Public Health Service Act (42 U.S.C. 285e–(2)).

"(4) ELIGIBLE ENTITY.—To be eligible to receive grants under this subsection, an entity shall be—

"(A) an educational institution providing training and education in medicine, psychology, nursing, social work, gerontology, or health care administration;

"(B) an educational institution providing preparatory training and education of personnel for nursing homes, hospitals, and home or community settings;

"(C) an Alzheimer's Disease Research Center described in section 445(a) of the Public Health Service Act; or

"(D) any other public or not-for-profit sources of assistance to individuals with Alzheimer's disease or related disorders and the families of such individuals.

"(5) COORDINATION.—The Director of the Bureau of Health Professions shall coordinate the award of grants under this subsection with other appropriate agencies.

"(b) NATIONAL INSTITUTE ON AGING GRANTS.—

"(1) TRAINING MODELS GRANTS.—

"(A) GRANTS.—The Director of the National Institute on Aging may award grants to eligible entities to assist the entities in developing and evaluating model training programs—

"(i) for health care professionals, health care paraprofessionals, and family caregivers providing care and treatment for individuals with Alzheimer's disease and related disorders; and

"(ii) with attention to such variables as—

"(I) curricula development for training and continuing education programs;

"(II) care setting; and

"(III) intervention technique.

"(B) ELIGIBLE ENTITY.—To be eligible to receive a grant under this paragraph, an entity shall be an entity described in subparagraph (A), (B), (C) or (D) of subsection (a)(4).

"(2) EDUCATIONAL GRANTS.—The Director of the National Institute on Aging is authorized to make grants to public and nonprofit private entities to assist such entities in establishing programs, for educating health care providers and the families of individuals with Alzheimer's disease or related disorders, regarding—

"(A) caring for individuals with such diseases or disorders; and

"(B) the availability in the community of public and private sources of assistance, in-

cluding financial assistance, for caring for such individuals.

"(3) AWARD OF GRANTS.—The Director of the National Institute on Aging shall award grants under this subsection in accordance with the requirements specified in subparagraphs (A) through (C) of subsection (a)(2).

"(4) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Director of the National Institute on Aging at such time, in such manner, and containing or accompanied by such information, as the Director may reasonably require.

"(5) COORDINATION.—The Director of the National Institute on Aging shall coordinate the award of grants under this subsection with other appropriate agencies.

"(c) NATIONAL EDUCATION PROGRAM.—The Director of the National Institute on Aging, in consultation with the Council on Alzheimer's Disease and the Alzheimer's Disease Education and Referral (ADEAR) Center, and utilizing the resources of the Alzheimer's Disease Research Centers Program, established in section 445 of the Public Health Service Act, shall establish a National Alzheimer's Education Program to—

"(1) provide coordination, leadership, and technical assistance, and work with public and private organizations, in Federal education and promotion efforts regarding Alzheimer's disease and related disorders, for—

"(A) the general public;

"(B) individuals with Alzheimer's disease and related disorders and the families of such individuals;

"(C) health and long-term care providers; and

"(D) other public agencies, including Federal, State and local public agencies;

"(2) develop and distribute educational materials, including print and electronic materials, on Alzheimer's disease and related disorders, for the persons described in subparagraphs (A) through (C) of paragraph (1);

"(3) encourage and work with the print and electronic media to provide information on—

"(A) Alzheimer's disease and related disorders;

"(B) sources of assistance to individuals with such diseases and disorders and the families of such individuals;

"(C) progress in research; and

"(D) the availability of preventive, diagnostic, treatment, and supportive services; and

"(4) encourage and work with public and private efforts to develop models for education, training, and assistance programs for the persons described in subparagraphs (B) and (C) of paragraph (1).".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 964 of such Act (42 U.S.C. 12294) is amended—

(1) by inserting "(a)" after "964.";

(2) in subsection (a), as designated by paragraph (1) of this section, by striking "this part" and inserting "sections 961 and 963"; and

(3) by adding at the end the following new subsections:

"(b) There are authorized to be appropriated $5,000,000 for fiscal year 1992, $6,000,000 for fiscal year 1993, $7,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996, to carry out section 962(a).

"(c) There are authorized to be appropriated $2,000,000 for fiscal year 1992, $2,000,000 for fiscal year 1993, $2,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996, to carry out section 962(b)(1).

"(d) There are authorized to be appropriated $5,000,000 for fiscal year 1992, $6,000,000 for fiscal year 1993, $7,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996, to carry out section 962(b)(2).

"(e) There are authorized to be appropriated $2,000,000 for fiscal year 1992, $2,000,000 for fiscal year 1993, $2,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996, to carry out section 962(c) .".

SEC. 9. ALZHEIMER'S DISEASE CENTERS.

Section 445 of the Public Health Service Act (42 U.S.C. 285e-2) is amended—

(1) in subsection (b), by striking paragraph (2) and inserting the following new paragraphs:

"(2) Notwithstanding section 496(b), Federal payments made under a cooperative agreement or grant under subsection (a) may be used for construction of the centers described in subsection (a).

"(3) As used in this subsection:

"(A) The term 'construction' does not include the acquisition of land.

"(B) The term 'training' does not include research training for which National Research Service Awards may be provided under section 487."; and

(2) by adding at the end the following new subsection:

"(d) There are authorized to be appropriated to carry out subsection (b)(2) such sums as may be necessary for fiscal year 1992 and each of the subsequent fiscal years.".

By Mr. INOUYE (for himself, Mr. MCCAIN, Mr. HOLLINGS, Mr. DANFORTH, Mr. FORD, Mr. GORE, Mr. SIMON, Mr. BRYAN, Mr. GRASSLEY, Mr. JEFFORDS, Ms. MIKULSKI, Mr. PRESSLER, Mr. BURNS, and Mr. FOWLER):

S. 1579. A bill to provide for regulation and oversight of the development and application of the telephone technology known as pay-per-call, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE 900 SERVICES CONSUMER PROTECTION ACT

• Mr. INOUYE. Mr. President, I rise today with Senator MCCAIN to introduce the 900 Services Consumer Protection Act of 1991, legislation designed to address problems that have arisen due to the use of pay-per-call services, better known as 900 numbers. Senator MCCAIN and I have both introduced measures, S. 471 and S. 1166, to address the problems that have arisen due to the growth of this new industry. This bill represents a compromise between the two measures. I want to thank and commend Senator MCCAIN for his efforts and I also want to thank his staff.

I want to take this opportunity to recognize the efforts of the members of the Commerce Committee and the cosponsors of this measure for their assistance on this compromise. Finally, I want to thank the Federal Communications Commission, the Federal Trade Commission, the telephone companies, and the 900 services industry, all of whom have worked with us to reach this compromise.

Let me take a few minutes to describe the industry and the problems that this bill is intended to address. Pay-per-call services give callers access to a variety of information services through the telephone network. Customers can obtain access to this information by calling a 10 digit number whose prefix is typically 900 or 700. When consumers call one of these numbers, they are then assessed a charge in addition to the regular long distance charge. Generally, callers are charged either a flat fee per call, or by the minute. The charge appears on the caller's telephone bill and can be as high as $25 per call or $10 per minute.

These numbers are used to: provide information, like stock quotes, and sports data; conduct polls, call one number for yes and another number for no; provide legal and other advice; provide mass announcements, which play prerecorded messages; promote sweepstakes; sell goods; raise funds for charitable and political organizations; provide dating services and group access bridging, gab lines or party lines.

The way most 900 services operate is that the information service provider enters into a contract with a telephone company—most often long distance companies. The telephone company makes telephone lines available to the information service provider and also handles the billing and collection. The 900 service provider offers the information, such as stock quotes. The service provider then advertises the service and the 900 number using print and/or broadcast media. When a consumer calls the stock quote 900 number, he/she is then billed directly on his/her telephone bill. The telephone company collects the charge for the consumer, takes out its share to cover the cost of providing the lines and the billing service, and passes the remainder of the charge to the service provider. It is important to note that the telphone company does not provide the information; the telephone company provides the telephone lines and billing, but, generally does not provide the information content. This may change as a result of Judge Greene's decision to permit the Bell Company to provide information services.

The 900/700 pay-per-call business, which began in the early 1980's, has developed into a $759 million industry and is projected to grow into a $1.6 billion industry by 1992. Testimony presented at a Communications Subcommittee hearing on this issue, estimated that there are presently 14,000 different pay-per-call programs available.

In recent years, the increased usage of 900 numbers has resulted in many consumer complaints. Since January of 1988 the FCC has received over 2,000 complaints, and the complaints are continuing. The FCC received 197 complaints in November of 1990, and 190 in January of 1991. The most frequent complaints concern false or deceptive

disclosure of rates and products. Advertisements often fail to disclose the cost of the calls to 900 numbers, or the cost of the call is printed in small illegible "mice" print. Some ads only state the cost of the call once, or in slurred, last minute voice-overs, but repeat the 900 numbers frequently throughout the advertisement.

Some of these services target children who do not appreciate the costs of dialing these numbers. Especially dangerous are those that run TV and radio advertisements telling children to hold the phone up to the TV or radio. The tones associated with each telephone number are then broadcast over the TV or radio so that the call is dialed automatically. As a result, children do not even have to know how to dial to be connected to one of these services.

Finally, this problem is exacerbated by the fact that these charges are collected through the monthly telephone bill. This not only lends legitimacy to the charge, because it looks like the telephone company is responsible for the charge, but the consumer believes that he/she must pay the charge or the telephone company will disconnect their service.

These problems have not gone unnoticed. Some telephone companies have voluntarily begun to institute measures to provide some protections to consumers. For example, GTE Hawaiian Telephone Co. has made call blocking of 900 and 700 numbers available to all of its customers. The blocking service is free the first time it is requested by a customer. If the customer cancels the service and then reinstates it there will be a charge. However, this only addresses part of the problem and this service is not universally available.

To address these problems, the 900 Services Consumer Protection Act of 1991 expands the jurisdiction of the FCC, FTC, and the States to provide express authority to address the problems raised by the explosive growth of the pay-per-call industry. The major provisions do the following:

Require that 900 services provide a preamble stating the cost of the call, all per call charges, describing the information, product, or service to be provided, and gives the caller the option to hang up without being charged;

Ban 900 services aimed at children under the age of 12;

Require the phone companies to give their subscribers the option to block all calls to 900 numbers from their phone, where technically and economically feasible;

Prohibit local telephone companies from disconnectng subscribers for failure to pay interstate 900 number charges;

Prohibit broadcasters from carrying advertisements that emit tones that automatically dial a telephone number when the phone is held up to the radio or television;

Require full and clear disclosure of the rates for these calls in all advertisements;

Prohibit the use of 800 numbers, free calls that automatically connect callers to 900 numbers, that charge the caller;

Require the telephone company who contracts with 900 service providers to make available on request the information concerning the 900 service providers it contracts with, including the name and address of the 900 service provider, the costs of the service, and any other information the FCC deems appropriate.

Give the FCC, the FTC, and the States the authority to enforce the provisions of this legislation.

In closing, I believe that this legislation is very important and I urge all of my colleagues to support this effort. The bill Senator MCCAIN and I are introducing has virtually no opposition. It ensures that consumers are protected against abuses by pay-per-call service providers, while permitting legitimate service providers to expand their business opportunities.

Mr. President, I ask unanimous consent that the text of this bill be included in the RECORD.

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

S. 1579

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 "900 Services Consumer Protection Act of 1991".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The pay-per-call telecommunications industry has grown into a national, billion-dollar industry as a result of recent technological innovations.

(2) Many pay-per-call businesses provide valuable information, increase consumer choices, and stimulate innovative and responsive services that benefit the public.

(3) Some interstate pay-per-call businesses, however, are engaging in practices which are misleading to the consumer, harmful to the public interest, and/or contrary to accepted standards of business practices.

(4) The improper activities of these businesses damage the reputation of the entire pay-per-call industry, causing harm to the many reputable businesses that are serving the public in an honest and honorable fashion.

(5) Many of the harmful practices of the pay-per-call industry are currently beyond the reach of regulatory agencies and existing legislation.

(6) The nationwide, interstate scope of pay-per-call services makes it impossible for the individual States to regulate these businesses within their individual borders.

(7) Therefore, Congress should enact legislation that provides for the proper and orderly regulation of the pay-per-call industry in order to protect the public interest and allow for the continued growth of pay-per-call businesses.

SEC. 3. PURPOSE.

It is the purpose of this Act—

(1) to put into effect a system of regulation and review of the pay-per-call business; and

(2) to give the Federal Communications Commission and the Federal Trade Commission authority to prescribe regulations, adopt enforcement procedures, and conduct oversight concerning the pay-per-call industry, to give State attorneys general authority to enforce Federal law and regulations concerning that industry, to afford reasonable protection to consumers, and to assure that violations of Federal law do not occur.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) The term "pay-per-call service" means any information service, provided by telephone, which receives payment, directly or indirectly, from each person who calls that service by telephone. The Federal Communications Commission shall, by regulation, specify in greater detail the kinds of information services that are included within such term.

(2) The term "common carrier" has the meaning given that term under section 3(h) of the Communications Act of 1934 (47 U.S.C. 153(h)).

(3) The term "information service" does not include any regulated communication service provided by a common carrier.

(4) The term "provider of a pay-per-call service" does not include a common carrier when its sole action with respect to a pay-per-call service is—

(A) to carry such service over its network; or

(B) to bill and collect for such service.

(5) The term "caller" means a person using a pay-per-call service.

(6) The term "State" means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, and any territory or possession of the United States.

SEC. 5. FCC AND FTC REGULATIONS ON PAY-PER-CALL SERVICES.

(a) RULEMAKING PROCEEDINGS.—The Federal Communications Commission and Federal Trade Commission shall, within 120 days after the date of enactment of this Act, initiate coordinated rulemaking proceedings to establish a consistent system for oversight and regulation of pay-per-call services in order to provide for the protection of consumers in accordance with this Act, and other applicable Federal statutes and regulations. The final rules or regulations issued pursuant to such proceedings shall be effective within 1 year after the date of enactment of this Act.

(b) MINIMUM STANDARDS FOR PAY-PER-CALL SERVICES.—The rules or regulations issued by the Federal Trade Commission under subsection (a) shall require that a pay-per-call service—

(1) shall include an introductory disclosure message that describes the service being provided and the maximum charge per minute or the per call and other charges, and informs the caller that charges for the call will begin at the end of the introductory message;

(2) shall enable the caller to hang up before the end of the introductory message without incurring any charge whatsoever;

(3) shall, after the institution of any increase in charges for the service, disable any bypass mechanism which allows repeat callers to avoid listening to the complete introductory disclosure message required under paragraph (1), for a period of time sufficient to give such repeat callers adequate and sufficient notice of the increase;

(4) shall not be aimed at children under the age of 12, unless such service is a bona fide educational service; and

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(5) shall prohibit the use of a toll-free telephone number from which a caller will be automatically connected to an access number for a pay-per-call service.

(c) COMMON CARRIER OBLIGATIONS.—The rules or regulations issued by the Federal Communications Commission under subsection (a) shall include the following requirements for common carriers:

(1) A common carrier which contracts with a provider of a pay-per-call service shall make readily available on request—

(A) a list of the access numbers for each of the pay-per-call services it carries;

(B) a short description of each such service;

(C) a statement of the maximum charges per call or per minute, and any other charge, for each such service;

(D) a statement of its name, business address, and business telephone; and

(E) such other information as the Federal Communications Commission considers necessary for the enforcement of this Act and other applicable Federal statutes and regulations.

(2) A common carrier shall not disconnect a subscriber's local exchange telephone service, or long distance telephone service, because of nonpayment of charges for any pay-per-call service.

(3) A common carrier that provides local exchange service shall—

(A) offer telephone subscribers (where technically and economically feasible) the option of blocking access from their telephone number to all, or to certain specific, prefixes used by pay-per-call services, which option—

(i) shall be offered at no charge (I) to all subscribers for a period of 60 days after the issuance of the rules or regulations under subsection (a), and (II) to any subscriber who subscribes to a new telephone number prior to and for a period of 60 days after the time the new telephone number is effective; and

(ii) shall otherwise be offered at a reasonable fee as established by the appropriate State regulatory commission; and

(B) offer telephone subscribers (where the Federal Communications Commission determines it is technically and economically feasible), in combination with the blocking option described under subparagraph (A), the option of presubscribing to or blocking only specific pay-per-call services for a reasonable one-time charge.

(4) A common carrier that engages in billing and collection of charges for pay-per-call services shall—

(A) give telephone subscribers the option of cancelling charges for pay-per-call services in instances of unauthorized use or misunderstanding of such charges at the time of use, subject to guidelines prescribed by the Federal Communications Commission to prevent subscribers from abusing that option;

(B) send, to every person subscribing to a new telephone number and, within 60 days after the issuance of such rules or regulations, to all telephone subscribers, and at least annually thereafter, a disclosure statement that—

(i) sets forth all rights and obligations held by the subscriber and the carrier with respect to the use and payment for pay-per-call services; and

(ii) describes the applicable blocking options required under paragraph (3) (A) and (B);

(C) in any billing to telephone subscribers that includes charges for any pay-per-call service, display any charges for pay-per-call services in a part of the subscriber's bill that is identified as not being related to local and long distance telephone charges; and for each charge so displayed, specify the type of service, the amount of the charge, and the date, time and duration of the call;

(D) in instances when such carriers contract for the collection and distribution of charges by any provider of pay-per-call services that solicits charitable contributions, shall obtain from that provider proof of the tax exempt status of any person or organization for which contributions are solicited;

(E) have the right to recover such carrier's costs of complying with subparagraphs (A), (B), and (C) from the provider of pay-per-call services for which such carrier conducts billing and collection;

(F) stop the assessment of time-based charges upon disconnection by the caller; and

(G) require that pay-per-call services be offered only via the use of certain telephone number prefixes.

(d) ADVERTISING RESTRICTIONS.—The rules or regulations issued by the Federal Trade Commission under subsection (a) shall—

(1) require that any provider of a pay-per-call service shall include, in any advertisement for a pay-per-call service a disclosure stating the maximum charge per call or per minute for calling the advertised number and such other information as the Federal Trade Commission shall consider necessary;

(2) require that, whenever the number to be called is shown in television and print media advertisements, the provider of a pay-per-call service shall ensure that the charges for the call are clear and conspicuous and displayed for the same duration as that number is displayed;

(3) prohibit any person from advertising on any radio station, television broadcast station, or community antenna television station by means of an advertisement that emits electronic tones which can automatically dial an access number for a pay-per-call service;

(4) require that any telephone message soliciting calls to a pay-per-call service specify clearly, and at the audible volume of the solicitation, the maximum charge per call or per minute and other charges for such a call; and

(5) prohibit any person from advertising a toll-free telephone number from which a caller can or will be automatically connected to an access number for a pay-per-call service.

(e) MATTERS FOR FCC AND FTC CONSIDERATION.—(1) In conducting a proceeding under subsection (a), the Federal Communications Commission shall consider requiring by rule or regulation that—

(A) a pay-per-call service—

(i) automatically disconnect a call after one full cycle or program; and/or

(ii) automatically disconnect interactive programs if no activity occurs within a reasonable, specified time period; and

(B)(i) a pay-per-call service providing a live interactive group program shall include a beep tone or other appropriate and clear signal during the program so that callers will be alerted to the passage of time; and

(ii) such tone or other signal shall be explained in the disclosure statement required under subsection (c)(4)(B).

(2) In conducting a proceeding under subsection (a), the Federal Trade Commission shall consider requiring by rule or regulation that—

(A) a pay-per-call service to which a person presubscribes shall be exempt from the requirements of subsection (b); and

(B) a pay-per-call service for which there is a nominal per-call charge shall be exempt from the requirements of subsection (b).

(f) EFFECT ON DIAL-A-PORN PROHIBITIONS.—Nothing in this section shall affect the provisions of section 223 of the Communications Act of 1934 (47 U.S.C. 223).

SEC. 6. FEDERAL AGENCY ENFORCEMENT.

(a) FEDERAL COMMUNICATIONS COMMISSION.—Any violation of the regulations issued by the Federal Communications Commission under section 5 of this Act shall be treated as a violation of the rules and regulations under the Communications Act of 1934 and therefore shall be subject to the provisions of title V of the Communications Act of 1934 (47 U.S.C. 501 et seq.), including—

(1) criminal penalties for willful and knowing violation of Commission rules, regulations, conditions, and restrictions consisting of a fine of not to exceed $500 for each day in which an offense occurs; and

(2) forefeiture penalties for the willful or repeated failure to comply with statutory provisions or Commission rules, regulations, or orders—

(A) of not to exceed $100,000 for each violation or each day of a continuing violation by a common carrier subject to title II of the Communications Act of 1934, or by an applicant for any common carrier license, permit, certificate, or other instrument of authorization issued by the Commission; and

(B) of not to exceed $10,000 for each violation or each day of a continuing violation by a person that is not such a common carrier or applicant.

(b) FEDERAL TRADE COMMISSION.—Any violation of any rule prescribed by the Federal Trade Commission under section 5 of this Act shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices and therefore shall be subject to any remedy or penalty applicable to any violation thereof. The Federal Trade Commission shall prevent any person from violating a rule, regulation, or order of the Federal Trade Commission under this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person who violates such a rule, regulation, or order shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

SEC. 7. ACTIONS BY STATE ATTORNEYS GENERAL.

(a) AUTHORITY OF ATTORNEYS GENERAL.—Whenever the attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any provider of a pay-per-call service has engaged or is engaging in acts which violate any rule or regulation of the Federal Trade Commission under this Act, the State may bring a civil action on behalf of its residents to enjoin such acts, to enforce compliance with any rule or regulation of the Federal Trade Commission under this Act, to obtain damages on behalf of their residents, or to obtain such further and other relief as the court may deem appropriate.

(b) EXCLUSIVE JURISDICTION OF FEDERAL COURTS.—The district courts of the United

States, the United States courts of any territory, and the District Court of the United States for the District of Columbia shall have exclusive jurisdiction over all civil actions brought under this section against a provider of a pay-per-call service to enforce any liability or duty created by any rule or regulation of the Federal Trade Commission under this Act, or to obtain damages or other relief with respect thereto. Upon proper application, such courts shall also have jurisdiction to issue writs of mandamus, or orders affording like relief, commanding the defendant to comply with the provisions of any rule or regulation. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.

(c) FTC RIGHTS.—The State shall serve prior written notice of any such civil action upon the Federal Trade Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Federal Trade Commission shall have the right (1) to intervene in the action, (2) upon so intervening, to be heard on all matters arising therein, and (3) to file petitions for appeal.

(d) VENUE.—Any civil action brought under this section in a district court of the United States may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or wherein the violation occurred or is occurring, and process in such cases may be served in any district in which the defendant is an inhabitant or wherever the defendant may be found.

(e) INVESTIGATORY POWERS.—For purposes of bringing any civil action under this section, nothing in this Act shall prevent the attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(f) EFFECT ON STATE COURT PROCEEDINGS.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal antifraud statute of such State.

(g) LIMITATION.—Whenever the Federal Trade Commission has instituted a civil action for violation of any rule or regulation under this Act, no State may, during the pendency of such action instituted by the Commission, subsequently institute a civil action against any defendant named in the Commission's complaint for violation of any rule as alleged in the Commission's complaint.

(h) DEFINITION.—As used in this section, the term "attorney general" means the chief legal officer of a State.

SEC. 8. STUDY OF THE USE OF CALLERS' TELEPHONE NUMBERS.

(a) STUDY.—The Federal Trade Commission shall conduct a study of the acquisition and use, by providers of pay-per-call services, of callers' telephone numbers to generate, compile, and sell or lease lists of such numbers. Such study shall investigate the extent to which such numbers are obtained with or without the knowledge or consent of the caller and shall identify methods by which callers could be given the opportunity to grant or withhold that consent.

(b) REPORT.—The Federal Trade Commission shall, within 1 year after the date of enactment of this Act, submit to the Congress and the Commission a report on the results of the study required by subsection (a). To the extent that the study identifies any abuses in the acquisition and use, by providers of pay-per-call services, of callers' telephone numbers, such report shall include recommendations for administrative or legislative changes to prevent such abuses.●

● Mr. MCCAIN. Mr. President, I am pleased to introduce the 900 Services Consumer Protection of 1991. This bill represents a comprehensive effort by Senator INOUYE and me to address the consumer abuses in the pay-per-call industry.

As I have stated in the past, I believe that the pay-per-call industry offers consumers a broad range of choices for entertainment, information, and business services. This industry is clearly here to stay, and will continue to have a positive impact.

This legislation will not hamper the industry but will instead lead the way to greater consumer awareness and trust of the services available. This will enable the industry to continue to grow and prosper.

I would like to thank the chairman of the Subcommittee on Communications, Senator INOUYE, for his great effort in moving this legislation forward. His commitment to protecting consumers, and children in particular, is steadfast. I am grateful to him for his commitment to join together to bring forth one comprehensive bill which best represents the interests of both consumers and the industry.●

By Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. AKAKA, Mr. BURDICK, Mr. DECONCINI, Mr. SIMON, and Mr. CRANSTON):

S. 1580. A bill to amend chapter 35 of title 5, United States Code, to provide for reemployment of certain Federal employees after a reduction in force, and for other purposes; to the Committee on Governmental Affairs.

REEMPLOYMENT OF FEDERAL EMPLOYEES AFTER A REDUCTION IN FORCE

● Ms. MIKULSKI. Mr. President, I am introducing legislation today to protect Federal employees from being laid off through a reduction-in-force [RIF] and then replaced by political appointees or temporary employees. I am introducing this bill on my behalf of myself and my colleagues Senator SARBANES, Senator AKAKA, Senator BURDICK, Senator DECONCINI, Senator SIMON, and Senator CRANSTON.

My bill is intended to:

First, offer the right of first refusal to those employees who are RIFed and whose jobs are restored within 2 years;

Second, prevent the replacement of career civil service employees with political appointees; and

Third, prevent the replacement of full-time employees with temporary or contract employees.

Why is this bill necessary? Let me tell you a story:

On January 10, 1989, Mark Sheehan, a constituent of mine from Rockville, MD, was told to report to the office of his boss, the Director of Public Information for the Department of Justice.

Mr. Sheehan reported to his boss' office, along with 12 of his colleagues from the Office of Public Affairs. The Director told Mr. Sheehan he would have his grade reduced from a GS–15 to a GS–13. The rest of his colleagues were told they were off the payroll in a month.

Mr. Sheehan and his colleagues were told that this RIF was necessary because of budget constraints. And Mr. Sheehan, with 28 years' tenure with the Federal Government, decided that rather than stay on in the office with reduced responsibilities and at a reduced pay grade, he would retire and make his position available for one of his younger colleagues. And not only that, he used his knowledge of the Justice Department and his contacts to help several of his other colleagues get placed in other Federal jobs—but it wasn't easy.

Meanwhile, guess what? About 4 months after the RIF, and despite these alleged budget constraints, the Office of Public Affairs added a political appointee to its staff, at a GS–15 pay equivalent. Eight months after the RIF, two more political appointees were added to the staff at the GS–11 and GS–12 levels, and in May 1990, a fifth political appointee joined the staff.

When Senator FRITZ HOLLINGS, chairman of the Appropriations Subcommittee which funds the Department of Justice, learned about these politically motivated RIF's, he included language in the 1991 appropriations bill that reduced staffing in the Office of Public Affairs to the level reflected by the RIF.

That was the right thing for Senator HOLLINGS to do. But it didn't get Mr. Sheehan's job back, or the jobs of his colleagues. The politically motivated RIF never should have happened in the first place.

I don't tell this story to single out the Department of Justice. Federal employees in every agency of the Federal Government face a risk of being RIF'd every day.

Sometimes a Federal agency is forced to downsize for reasons of budgetary necessity. When that happens, RIF's may occur. That can represent a personal disaster for the employees who are let go. Still, we all know that it can't always be avoided.

However, RIF's should not be used for purposes unrelated to changing budget priorities. They should not be used as a tool to replace career civil servants with political appointees, or to replace full-time professionals with temporary or contractual employees without job security, health benefits, or pensions. Finally, if budget needs mandate RIF's, then the RIF'd employees should be offered the chance to get their old jobs back if the budget picture brightens.

This bill won't get Mark Sheehan's old job back for him. But at least it sends a message to him and to the hundreds of thousands of other dedicated public servants who devote their careers to the Federal Government: The Congress cares about them. We appreciate their service to the Nation. We want to protect them from unnecessary, arbitrary or politically motivated layoffs.

I hope my colleagues will join me and my six cosponsors in supporting this bill, and I ask unanimous consent that the text of the bill and a section-by-section analysis of the bill appear in the RECORD following these remarks.

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

S. 1580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REEMPLOYMENT OF FEDERAL EMPLOYEES IN THE COMPETITIVE SERVICE.

(a) REEMPLOYMENT AFTER REDUCTION IN FORCE.—Subchapter I of chapter 35 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 3505. Reemployment after reduction in force

"(a) Subject to the provisions of subsection (b), if an agency releases an employee under regulations for a reduction in force under section 3502(a), and within 2 years after the date of such release—

"(1) seeks to employ a person for a position in the competitive area which was the employee's competitive area at the time of release, such agency shall offer such person reemployment in such position before offering employment to any other person for such position; or

"(2) seeks to employ a person for the position from which such employee was released or to perform the duties performed by such employee, the agency may not employ a contract employee or a temporary employee for such position or to perform the duties which were performed by the released employee;

"(3) seeks to establish any position in the excepted service within the office (or other administrative unit) which employed such employee, such agency shall first submit to the Office of Personnel Management and the Congress—

"(A) written notification of—

"(i) the intent to establish such excepted service position; and

"(ii) the date such establishment shall be effective, which may be no earlier than 60 days of submission of the notification;

"(B) a written detailed explanation of the reasons for the necessity of establishing the position in the excepted service;

"(C) the pay rate and classification of such position; and

"(D) a list of all employees released under a reduction in force within such office (or other administrative unit) during the 2-year period immediately preceding the date of submission.

"(b) If an agency releases employees from positions in a competitive area under regulations for a reduction in force under section 3502(a), and within 2 years after the date of the last such release seeks to employ persons in all or some of such positions, but not in a sufficient number to result in the reemployment of all such released employees, the agency shall offer such released employees reemployment on the basis of seniority before offering employment to any other persons for such positions."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 5, United States Code, is amended by inserting after the item relating to section 3504 the following:

"3505. Reemployment after reduction in force.".

SEC. 2. REEMPLOYMENT OF SENIOR EXECUTIVE SERVICE PERSONNEL.

Section 3595 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) If an agency removes a career appointee from the Senior Executive Service under competitive procedures established under subsection (a) for a reduction in force, and within 2 years after the date of such removal—

"(1) seeks to employ a person for the position from which such career appointee was removed, such agency shall offer such person reemployment in such position before employing any other person for such position; or

"(2) seeks to establish any position in the excepted service within the office (or other administrative unit) which employed such career appointee, such agency shall first submit to the Office of Personnel Management and the Congress—

"(A) written notification of—

"(i) the intent to establish such excepted service position; and

"(ii) the date such establishment shall be effective, which may be no earlier than 60 days after the date of submission of the notification;

"(B) a written detailed explanation of the reasons for the necessity of establishing the position in the excepted service;

"(C) the pay rate and classification of such position; and

"(D) a list of all career appointees removed under a reduction in force within such office (or other administrative unit) during the 2-year period immediately preceding the date of submission.".

SECTION-BY-SECTION ANALYSIS OF THE MIKULSKI RIF BILL

Section 1. Creates new Section 3505 in Title 5, U.S.C. which provides:

(1) Right of First Refusal: If an agency RIFs an employee, and within two years seeks to fill the position again, the agency must offer the RIFed employee reemployment before offering the position to anyone else.

(2) Contract or Temporary Employees: If an agency RIFs an employee, and within two years seeks to fill the position again, the agency may not replace the RIFed employee with a contract or a temporary employee.

(3) Political Appointees: If an agency RIFs an employee, and within two years seeks to add new politically-appointed positions, the agency must first provide written justification to OPM and the Congress, including a detailed explanation of why a political appointee is necessary to perform the job's functions, and a list of all RIFs in the agency during the previous two years.

(This procedure would give Congress the opportunity to block the hiring if appropriate. The cumbersome notice procedure also would serve as a strong disincentive to agencies to RIF career civil service employees and replace them with political appointees.)

Section One also provides that if an agency RIFs more than one employee, and within two years seeks to fill some of the positions again, but not a sufficient number to reemploy all the RIFed employees, the agency must offer the RIFed employees reemployment on the basis of seniority.

Section Two. Amends 5 U.S.C. 3595 to apply the "right of first refusal" and "political appointee" provisions in Section One to members of the Senior Executive Service.●

By Mr. ROCKEFELLER:

S. 1581. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance technology transfer for works prepared under certain cooperative research and development agreements; to the Committee on Commerce, Science, and Transportation.

TECHNOLOGY TRANSFER IMPROVEMENTS ACT OF 1991

● Mr. ROCKEFELLER. Mr. President, there is no question that we have a competitiveness crisis in this country. Some in the administration—the potato chip people, recalling that mysterious orphan quotation that is circulating—would argue otherwise. They will say either that there is no problem, or that, even if there is, it doesn't make much difference.

After 10 years of denial and delay from some corners, however, I think we now realize that debate is over. The erosion of our manufacturing competitiveness is clear and accepted by virtually all economists and analysts. The tragedy is the 10 years we have wasted trying to decide if we have a problem.

That 10 years is gone. The challenge now is to turn the corner of the debate from talking about the problem to talking about the solution. Or more accurately, we must form an array of solutions, because we have also learned there is no one, simple answer to this complex current of events. And that is what I want to do today—to discuss one part of the solution.

Today, I want to lay out one proposal relating to the diffusion of technology developed in concert with the Government—one of ways to make America more productive and competitive. While we have made major progress in setting up procedures for licensing innovations that grow out of work in our Federal laboratories, we have not taken the same steps with respect to software.

As Senators know, software is increasingly important in our technology mix. We are an information society, and the way we handle, process, and pass on information will be the core of our economy in years to come. It is also an area where we maintain a global lead—for the time being and perhaps far into the future if we act strategically.

The bill I am introducing today, the Senate version of the Technology Transfer Improvements Act of 1991, would encourage closer collaboration between Federal laboratories and U.S.

companies in the development of computer software.

In 1980 and again in 1986 and 1989 Congress passsed laws to encourage closer collaboration between Federal laboratories and industrial partners. The Federal Government has over 700 laboratories, employing almost one-sixth of the Nation's scientists and engineers. Their budgets total some $20 billion a year. While each laboratory has a primary mission in an area such as defense, health, or agriculture, they also have a wealth of technology and expertise which they could share with industry to make a major contribution to U.S. economic growth and international competitiveness. The taxpayer has already paid for the laboratories. We should take advantage of their untapped technical riches.

The technology transfer offices created by the Stevenson-Wydler Technology Innovation Act continue to provide important information to U.S. industry about laboratory activities and inventions. But that has not been enough. The laboratories had very good technologies, but they generally needed more research and development to turn them into successful commercial products. At the same time, companies were reluctant to invest in laboratory-developed technology unless they could have clear intellectual property rights to the resulting products.

In 1986 and 1989, Congress responded to this concern by amending Stevenson-Wydler to give agencies and most laboratories clear authority to negotiate cooperative research and development agreements [CRADA's] with companies and other partners and to negotiate patent arrangements up front.

These laws have been great successes. Not all agencies have used them as much as I would like, but the numbers of CRADA's are impressive nonetheless. By end of fiscal year 1988, there were 99 CRADA's in place; by the end of fiscal year 1990 the number totaled 460. The numbers of CRADA's are particularly high at the National Institutes of Health and the National Institute of Standards and Technology. We also are seeing more and more of them at DOE. These agreements are helping industry and in many cases the Government by bringing in royalties.

The remaining problem is that these agreements don't cover computer software, even though we know that it constitutes some of the best technology available in Federal laboratories. Under current law Federal employees may not copyright software. Since software cannot be copyrighted, companies are understandably reluctant to invest money in CRADA's to develop products that cannot be protected.

To pick one example, the Department of Defense has great expertise in developing training software. The techniques they use to develop software for training soldiers to repair tanks also could be used to write sophisticated software to teach algebra and science to our children. But no commercial company will enter into a CRADA with a DOD laboratory to develop software because it cannot be copyrighted. The company has no assurance that it can capture the benefits of its investment because under current rules the software would be available to everyone.

As the computer revolution has accelerated, we see increasing interest in the idea of CRADA's to develop software. Software is now a multibillion dollar industry, and one of the few high-technology industries where the United States still retains the world lead. We cannot take that lead for granted, however. As in other technologies, our competitors are working hard to become major powers in software. A critical element of restoring our leadership in advanced technologies will be the degree to which we can help the American software industry remain successful.

The copyright-licensing problem remains a major obstacle to achieving that objective. A May 1991, report by the General Accounting Office found that laboratories it surveyed listed copyright protection for software as a major concern:

> Respondents referred to the need for statutory authority to copyright and license software developed by Federal employees and the need for appropriate legislation to protect computer software in development in Federal laboratories.

Traditionally, the Government has preferred that copyright documents, statistics, and other items developed with taxpayer funds remain in the public domain. That is a policy I support generally. But it is not an effective or fair way to help American business take advantage of Federal expertise in software. The current rules deter the effective use of Government expertise in software by discouraging Government-industry collaborations.

My proposed Technology Transfer Improvements Act of 1991 would remedy this problem. The bill would amend the Stevenson-Wydler Act to allow Federal agencies to copyright software developed under CRADA's and to negotiate arrangements regarding those copyrights with the industrial participants in CRADA's. Computer software developed under CRADA's could be copyrighted just as inventions developed under CRADA's can now be patented.

I should point out, Mr. President, that this bill is drafted very precisely. It deals only with software developed under CRADA's. It does not amend or seek to amend general copyright law, and it does not allow Federal employees to copyright anything except computer software developed under a formal CRADA. I know that some in the information and data industry are concerned that this bill might lead Congress to propose copyrighting all Federal documents and data. I want to assure everyone that this bill deals only with software developed under formal cooperative research and development agreements. There is no intention of expanding into other areas.

This bill was originally drafted by technology transfer experts at the Department of Commerce. It has the official support of the administration. It was introduced in the House of Representatives last January by Congresswoman CONNIE MORELLA of Maryland. I am very pleased to be working with Mrs. MORELLA and the Commerce Department on this important issue. The House bill number is H.R. 191.

As I indicated when I began my remarks, Mr. President, this bill is only a small piece of the puzzle. It deals with a specific and important barrier to diffusing Federal laboratory technology. At a later point I will be making some additional proposals to deal with other pieces. But using the fruits of Federal-private cooperative research to better competitive advantage is so basic and so important that it deserves our rapid consideration. I hope all Senators will support the bill.●

By Mr. MITCHELL (for himself, Mr. DASCHLE, Mr. MOYNIHAN, Mr. ROCKEFELLER, and Mr. BRADLEY):

S. 1582. A bill to amend title XVIII of the Social Security Act to provide for eligibility for home health services on the basis of a need for occupational therapy; to the Committee on Finance.

MEDICARE HOME HEALTH OCCUPATIONAL THERAPY ACT

Mr. MITCHELL. Mr. President, I rise to introduce legislation which would make occupational therapy the fourth skilled service under the Medicare home health benefit. I am pleased to be joined by a number of my colleagues on the Finance Committee including Senators DASCHLE, MOYNIHAN, and BAUCUS.

Under the Medicare home health benefit only the need for skilled nursing care, physical therapy, or speech therapy qualifies a beneficiary for home health care. If a beneficiary qualifies for the home health benefit only then are occupational therapy services covered.

Occupational therapy focuses on increasing a patient's functional level in activities of daily living. Occupational therapy services provide a critical rehabilitative service to patients with strokes, heart attacks, diabetes, arthritis, and multiple sclerosis, as well as victims of disabling accidents.

Like physical or speech therapy, occupational therapy is a skilled health service which assists patients in making the transition between an institution and caring for themselves at home. The timely application of occupational therapy services often plays a critical role in ensuring a patient's full

recovery, preventing further disability and promoting successful readjustment to his or her home and community.

Occupational therapy can enhance a patient's quality of life, independence and reduce the need for more costly treatments. For example, an elderly woman living alone with a flare-up of chronic arthritis can be severely limited in her mobility and ability to care for herself. An occupational therapist can design splints to increase her range of motion and prevent further damage, and make adaptations to her home in an effort to increase her mobility and independence. Without these interventions the woman's arthritic joints could permanently lose range of motion and could inhibit her ability to walk and function independently.

This is only one illustration of the benefits of occupational therapy services in the home. Inclusion of occupational therapy as a qualifying service under the Medicare home health benefit would provide for timely, appropriate, and cost-effective treatment.

I have asked the Congressional Budget Office to reexamine the costs of this legislation and expect to have cost estimates in the near future. I believe this bill represents a good investment in the health care of the elderly and disabled. I urge my colleagues to join me in supporting this legislation.

Mr. BRADLEY. Mr. President, I join my colleague Senator MITCHELL in introducing this legislation to assure that a valued home health benefit, occupational therapy, be appropriately available to Medicare recipients.

The services that occupational therapists deliver to patients recuperating at home play a critical role in ensuring the patient's optimal recovery. By focusing on increasing the patient's functional level after illnesses such as strokes, heart attacks, spinal cord injuries, or disabling arthritis, the occupational therapists ensure successful readjustment to the home and community environment.

Mr. President, occupational therapy, along with skilled nursing care, physical therapy, and speech therapy are services available to Medicare beneficiaries after certification of need by their attending physician. In some instances occupational therapy is the only service required, or the need for occupational therapy extends beyond the need for other services. However, there are current restrictions on the therapy availability.

Under present law, Medicare beneficiaries may receive occupational therapy only if they are in need of another qualifying service, such as physical or speech therapy. This legislation will correct the situation and will recognize occupational therapy as the fourth independent skilled service.

Mr. President, this legislation will allow occupational therapists to provide medically prescribed and cost-effective therapy by assisting the patient and his/her family in making the transition between an institution and self-care in the home without the need to be linked to the provision of another skilled service.

By Mr. EXON (for himself, Mr. DANFORTH, and Mr. KASTEN):

S. 1583. A bill to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations and to improve pipeline safety, and for other purposes; to the Committee on Energy and Natural Resources.

PIPELINE SAFETY IMPROVEMENT ACT

• Mr. EXON. Mr. President, I rise today on behalf of myself and Senators DANFORTH and KASTEN to introduce legislation to reauthorize the Federal pipeline safety program through fiscal year 1994. This legislation addresses several issues designed to improve pipeline safety.

One major focus of the bill is the expansion of the Department of Transportation's [DOT] pipeline safety responsibilities to include environmental protection, in addition to the protection of life and property, in assessing safety priorities. In order to readily identify older pipelines, the bill requires pipeline companies to maintain maps that include the location of older pipelines and pipelines situated in urban and environmentally sensitive areas. Also, in order to minimize damages in urban and environmentally sensitive areas, the bill directs DOT to determine regulations for rapid detection and location of pipeline ruptures.

Furthermore, this legislation requires DOT to set performance standards and regulations for the use of excess-flow valves where technically feasible and beneficial to public safety. This section also requires DOT to undertake a study to evaluate the ability of excess-flow valves to improve safety in gas distribution systems.

Regarding the need for replacement of older cast iron pipelines, the bill requires DOT to publish a notice on the availability of industry guidelines for such replacement, as developed by the Gas Pipeline Technology Committee. Additionally, after the guidelines have been in place for 2 years, this section calls for DOT to determine the extent to which operators have adopted plans for safe management and replacement of cast iron pipe. Also, this bill mandates that DOT conduct a rulemaking to determine the safety of pipe not owned by pipeline operators, including requirements that distribution companies assume some additional operational and maintenance responsibilities.

The section on one-call notification systems provides authority for the imposition of civil penalties against any person who excavates, with power-operated equipment—other than for routine agricultural purposes—without first calling a one-call pipeline location notification system, resulting in damages to a pipeline that are required to be reported to the Secretary of Transportation. The bill also requires DOT to consult with the Occupational Safety and Health Administration [OSHA] to establish procedures to notify OSHA of pipeline accidents which may have violated OSHA regulations.

The Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 provided for DOT's development and enforcement of regulations to govern the safe transportation by pipeline of natural gas and other hazardous liquids, such as gasoline and fuel oil. The acts also provided for State participation in the enforcement of Federal regulations. Currently, the Office of Pipeline Safety within DOT regulates pipeline safety under both the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979.

The legislation Senators DANFORTH, KASTEN, and I are introducing today, addresses safety and environmental issues raised during hearings before the Subcommittee on Surface Transportation by the Administrator of the Research and Special Programs Administration of DOT, the Chairman of the National Transportation Safety Board, the National Association of Regulatory Utility Commissions, and various industry representatives. In addition, my distinguished colleague, Senator DANFORTH, raised concerns regarding the adequacy of current pipeline safety laws and regulations as a result of findings which surfaced in the wake of several pipeline accidents which occurred in Missouri and Kansas. These accidents involved natural gas distribution lines, cast iron natural gas lines, and older oil pipelines.

This bill is essential because continued authorization of these programs is vital to ensure not only the safety of lives and property, but also to deter potential danger and damage to our so very precious environment.•

By Mr. KASTEN (for himself, Mr. MACK, Mr. NICKLES, Mr. LUGAR, Mr. GRAMM, Mr. ROTH, Mr. HELMS, Mr. BURNS, Mr. BROWN, Mr. SYMMS, Mr. GARN, Mr. COCHRAN, Mr. MURKOWSKI, and Mr. LOTT):

S.J. Res. 185. Joint resolution recognizing the 10th anniversary of the enactment of the Economic Recovery Tax Act of 1981; to the Committee on the Judiciary.

THE 10TH ANNIVERSARY OF THE ENACTMENT OF THE ECONOMIC RECOVERY TAX ACT OF 1981

Mr. KASTEN. Mr. President, this August 13, 1991, marks the 10th anniversary of the Economic Recovery Tax Act [ERTA]. The principle element of this program was a 25-percent across-the-board reduction in income taxes.

This program was a tremendous success; pulling the economy out of recession, sparking the longest peace-time economic expansion in U.S. history, creating millions of new jobs, dramatically reducing inflation and interest rates, and increasing the living standards of Americans in all income classes.

By the late 1970's Government had grown too big and too powerful, taxes were too high and regulation was excessive. Family incomes fell, job opportunities declined, and some of the basic necessities of American life were being pushed out of reach for millions of families.

The American people demanded a change and they got it. President Reagan and then Vice President Bush implemented an agenda of lower taxes and less regulation. The fundamental premise of the Republican agenda was that a vigorous and growing economy was the best means of helping people, and that the most important engine of economic growth is the private sector. Without the Reagan-Bush agenda, there is no question that Government would be vastly more intrusive today than it is.

The 1981 Economic Recovery Tax Act was designed to improve incentives, restore economic growth and make the Tax Code fairer. By all objective measures, ERTA performed as promised:

Over 20 million new jobs were created.

Inflation—averaging above 12 percent during the Carter administration—has been cut by more than half.

Lower inflation lead to lower interest rates; rates ended the decade at approximately half their double-digit levels in 1980.

The misery index, which combines the rate of inflation and unemployment, declined from 20 percent in 1980 to about 10 percent today.

The expansion, which began in 1983, became the longest peacetime expansion on record—85 months of uninterrupted economic growth.

Perhaps most important of all, ERTA reduced Federal income tax rates for all income groups. Without the 1981 tax cuts, the average American family would now pay $1,500 more in income taxes every year.

ERTA was of particular benefit to low- and middle-income families because it mandated that tax brackets be indexed upward each year according to the rate of inflation. This eliminated inflation-induced bracket creep whereby cost-of-living increases earned by workers simply pushed them into higher tax brackets. ERTA put a stop to the age old trick of using government-induced inflation to generate higher taxes.

While the economy grew and incentives to work increased, tax revenues doubled during the decade. In fact, by reducing the attraction of tax shelters and increasing the incentive to earn more income, ERTA resulted in the wealthy paying far more in income taxes by the end of the decade than at the beginning. As the result of improved incentives, the tax cuts led to an increase in the share of income taxes paid by higher income groups as the tax burden of the top 1 percent of all taxpayers increased by 45 percent from 1982 to 1988.

By comparison the income tax burden on the middle class and poor was dramatically reduced. The bottom 50 percent of all taxpayers saw their share of total income taxes decline from 7.4 to 5.7 percent from 1982 to 1988.

This trend culminated in the Tax Reform Act of 1986, when 4 million lower income workers were completely removed from the income tax rolls.

During the 1980's, the rich got richer—but the poor got richer too. Between 1983, the first full year of the expansion produced by the tax cuts, and 1989, real family income for the lowest 20 percent of the income distribution rose nearly 12 percent, approximately the same rate as for all other income levels. The economic growth sparked by the recovery also enabled Government to do more to help the poor. When all Government programs are taken into account, the average income of households in the lowest 20 percent of the income distribution is $5,500 higher per household today than in 1983.

Our historic surge in economic growth almost doubled the amount of tax revenues collected by the Federal Treasury. In the anemic high-tax rate economy of 1980, the Treasury collected $517 billion in taxes. Today, the Federal Government is collecting over $1 trillion annually—nearing twice as much.

Tax revenues have grown by nearly 30 percent more than needed to keep pace with inflation since 1980.

Clearly, a growing low-tax rate economy is the only way to ensure that Government has enough money to fulfill its essential functions.

We have budget deficits for one simple reason: Federal spending has risen at an even faster rate than Federal tax revenue. Spending grew 12.5 percent just from 1990 to 1991, and from 1981 to 1990 spending, after inflation, grew 41 percent.

This year—for the first time since World War II—the Federal Government will spend more than 25 percent of the Nation's gross national product.

These facts conclusively prove that the 1981 tax cuts were not responsible for the budget deficits of the 1980's.

One of the most important lessons of the 1980's is that tax cuts and economic freedom help all Americans. We must carry this lesson into the 1990's and continue to limit the ability of the Federal Government to shackle American families and businesses with punitive taxes and excessive regulations.

Mr. President, I ask unanimous consent that an article by Senator PHIL GRAMM and the full text of the Kasten-Mack resolution be entered in the RECORD immediately following my remarks:

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

S.J. RES. 185

Whereas August 13, 1991, will mark the 10th anniversary of the enactment of Public Law 97–34, the Economic Recovery Tax Act of 1981 (hereinafter referred to as the "Act");

Whereas the primary objective of the Act was to spur economic growth and create jobs by increasing incentives to work, invest and produce;

Whereas the Act reduced income tax rates by the same percentage across-the-board, thereby benefiting all income groups;

Whereas the Act increased tax revenue from certain income groups by reducing the attraction of tax shelters and increasing the incentive to report taxable income;

Whereas the Act benefited low and middle-income families by eliminating inflation-induced "bracket creep" whereby a cost-of-living increase pushed low and middle-income taxpayers into higher tax brackets;

Whereas the first major installment of the individual tax cuts took effect in 1982 and the economy started to rebound and the subsequent recovery was the longest peacetime expansion in the Nation's history, generating over 20,000,000 new jobs and raising median family income by 12 percent, without increasing inflation;

Whereas the Act's investment incentives helped increase real gross investment as a share of the Gross National Product to a post-war high in the 1980's which greatly contributed to the recovery of United States productivity growth from its near standstill in the 1970's;

Whereas manufacturing productivity growth averaged 4.5 percent a year from 1982 to 1989, more than twice as fast as during the period from 1973 to 1981;

Whereas the positive impact of the tax cuts on the Nation's productive capacity contributed to the reduction in the rate of inflation in the decade of the 1980's;

Whereas, as the result of improved incentives, the tax cuts led to an increase in the share of income taxes paid by higher income groups as the tax burden of the top 1 percent of all taxpayers increased by 45 percent from 1982 to 1988;

Whereas without the 1981 tax cut, the average American family would now pay $1,500 more in income taxes every year;

Whereas the tax cuts led to a decrease in the share of income taxes paid by low and middle-income taxpayers as the bottom 50 percent of all taxpayers saw their share of total income taxes decline from 7.4 percent to 5.7 percent from 1982 to 1988;

Whereas despite the tax cuts, personal income tax payments as well as overall tax revenues doubled between 1980 and 1990 partly because the lower marginal tax rates spurred economic growth;

Whereas budget deficits arose because Federal spending increased at a faster rate than Federal tax revenues; and

Whereas the Act's success in revitalizing the Nation's economy and creating jobs encouraged over 55 countries to either reduce their marginal tax rates during the 1980's or schedule tax rate reductions for the early 1990's: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in

Congress assembled, That the Congress hereby commemorates the 10th anniversary of the enactment of the Economic Recovery Tax Act of 1981 and recognizes that the Act restored the Nation's economic growth, sparked the creation of over 20,000,000 new jobs, reduced inflation and made the tax code fairer by reducing income taxes across-the-board. The President is authorized and requested to issue a proclamation recognizing the accomplishments and the 10th anniversary of the Act.

[From the Washington Times, July 23, 1991]

SKEWING DATA TO DISCREDIT REAGAN

(By Phil Gramm)

"Even when the facts are available, most people seem to prefer the legend and refuse to believe the truth when it in any way dislodges the myth."—American drama critic John Mason Brown.

Whether most people prefer myths to realities. Democrats rely almost totally on fiction in their continuing effort to discredit the economic achievements of the nation during Ronald Reagan's presidency. In their effort to mislead the public about the Reagan era, the Democrats have confused themselves to such an extent that they now reject economic growth as the fundamental source of opportunity and prosperity.

U.S. economic growth during the Reagan presidency, according to the Democrats, meant only that the rich got richer and the poor got poorer. To hear Democrats tell it, the 1980s were a time of not-so-benign neglect, when millions of families saw the American dream slip beyond their grasp. Listen to these gloomy assessments of the "Reagan '80s":

"For the last 10 years, the working men and women of America . . . have been getting hit below the belt by Reagan and Bush economic policies." said Sen. Tom Harkin, Iowa Democrat.

"The 1980s were kind of a period when the wealthy basically ripped off the rest of society—and President Reagan essentially blessed the transfer," said House Budget Committee Chairman Leon E. Panetta, California Democrat.

"During 1978–1987, real income fell for the poorest 40 percent of Americans and stagnated for the middle income 20 percent, while the upper 40 percent gained. . . . [M]uch of the rise in poverty can be traced to the Reagan-Bush budget policies, which constituted an attack on the poor." So said Rep. William Gray, Pennsylvania Democrat, then chairman of the House Budget Committee.

How did the Democrats reach such dismal conclusions about the Reagan era? When you go behind their rhetoric and look at the data on which it is based, you find an incredible, sleight-of-hand distortion of the facts. Remarkably, Democrats always discredit the achievements of the Reagan program by blaming at least two years of President Carter's economic failures on Mr. Reagan's spectactularly successful supply-side economics program. The real Reagan era brought about the longest (92 months) and strongest (32 percent) expansion of the American economy in peacetime history.

Looking at the actual data used by Mr. Gray in his criticism of Reagan-Bush policies quoted above, you find that each and every negative statistic he complains about was generated before Mr. Reagan's policy went into effect. From 1978–80, the bottom 40 percent of income earners saw their average income fall by 6.5 percent. From 1981–87, it rose 7.6 percent. The middle 20 percent and upper 40 percent of income earners saw their average incomes fall 5.7 percent and 5.3 percent, respectively, from 1978–80, and rise 10.1 percent and 17 percent, respectively, from 1981–87. When you drop 1978, 1979 and 1980—years when Mr. Carter was president every day—from Mr. Gray's data, all of his negative conclusions collapse.

That Mr. Gray and other Democrats would twist the economic data to malign the Reagan program is hardly a surprise. What is a surprise is that news organizations not only let them get away with it, but use the distorted data themselves. The fact is, each and every criticism of Reaganomics is based on counting as part of the Reagan era the year 1980 and often earlier, when Mr. Carter, was still in office, along with 1981, when Mr. Carter's disastrous economic program was still fully in place.

It's easy to forget, but important to remember, that Jimmy Carter was president every day of 1980. Although Mr. Carter left the White House in January 1981, he signed every fiscal 1981 appropriations bill into law except a tiny supplemental appropriations measure approved by President Reagan in June 1981. Mr. Reagan's budget cuts and spending priorities didn't take effect until October of that year.

Moreover, Mr. Reagan's three-year, 25 percent tax cut program didn't get under way until January 1982, when the first of three rate reductions took effect. That date is important in making a critique of Reaganomics, because—as every student of economic principles knows—the full effect of a tax cut on the economy isn't felt for at least a year. The Congressional Budget Office points out that "after a reduction in tax rates, there is an increase in GNP * * * the peak of which occurs after four quarters in all of the models [used by CBO]." Economists Robert B. Ekelund Jr. and Robert D. Tollision have observed: "Estimates vary, but it is thought tax or spending changes may take from one to two years to have their full impact on income and employment."

While most economists would measure the impact of the Reagan program beginning in January 1983, no economist would argue the Reagan program could have substantially affected the economy prior to January 1982.

Remembering that Mr. Reagan took office on Jan. 20, 1981, and that his tax cut took effect Jan. 1, 1982, here are some examples of the Reagan critics' distorted use of the data:

In the 1991 "Overview of Entitlement Programs" (Known as the Green Book), published by the House Ways and Means Committee, the Democratic-controlled panel printed a table showing that the average income of the poorest two-fifths of American families declined between 1979 and 1989. The Green Book, the statistical source most cited by Reagan-bashers, contains the Carter years 1979, 1980 and 1981.

Now here's the real picture: U.S. Census figures show that the average income of the bottom 40 percent of families declined by 8.1 percent from 1979 through 1981 (Carter era), while it rose by 12.6 percent from 1982 through 1989 (Reagan era).

A study by the Democratic staff of the Joint Economic Committee, titled "Falling Behind: The Growing Income Gap in America," draws this conclusion: "Families in the lower and middle parts of the income distribution are increasingly falling behind those at the top. In fact, those in the lowest forty per cent of the distribution actually had lower real incomes, on average, in 1989 than they did in 1979." There they go again! While these numbers are used routinely by Democrats to critique the "Reagan era," all the bad things that happened in the 1980s occurred in 1980, when Mr. Carter was president, and in 1981, when his policies were still in effect.

The real picture: Census figures show that during 1979–81 (Carter era), the number of families making less than $15,000 rose by 22.5 percent, while those earning more than $50,000 declined by 12.4 percent. In short, there was an increase in the number of families slipping down the income ladder during the last three years of the Carter era.

But during 1982–89 (Reagan era), you see the opposite happening: The number of families making less than $15,000 declined by 14.3 percent, while the number earning more than $50,000 rose by 36 percent. In short, more families climbed up the income ladder during the Reagan era.

In a most revealing March 1991 study, the Democratic staffs of the Joint Economic and Senate Budget Committees take issue with an '80s study done by Sen. Pete Domenici, New Mexico Republican, and myself, and make this criticism: "By starting in 1982 [referring to the Gramm-Domenici report], when the economy was mired in the deepest recession of the postwar era, the study ignores the hole that was dug during the first years [note the plural form] of the Reagan-Bush era." By referring to the "first years" of the Reagan-Bush era prior to 1982, it is clear that the Democrats are blaming Mr. Reagan not just for 1981, when Mr. Carter's economic policies were still in effect, but also for 1980, when Mr. Carter was still in office.

The real picture is this: From 1979–81 (Carter era), average family income declined by 8.7 percent, while from 1982–89 (Reagan era), it rose by 12 percent.

To realize what a distortion it is to lump the 1980–81 Carter period into the Reagan era, it must be pointed out that economically 1980 was the single worst year in the post-World War II era for American families. That year, average real (inflation-adjusted) family income dropped by $1,817. Also, the income of the poorest 20 percent of families fell by a record $716, while the poverty rate jumped a record 1.3 percentage points. Candidate Ronald Reagan did not cause that economic mess in 1980; it caused Mr. Reagan to be elected president.

What's more, in 1981, when the good old malaise of Carternomics lingered on, Americans experienced the second-biggest annual decline in average income and the second-largest annual increase in the poverty rate.

Now here's what happens when you exclude 1980 and 1981 from the "Reagan '80s" and count only the period when the Reagan economic program was in effect (that is, 1982 through 1989):

Instead of rising by 1.1 percentage points, poverty fell by 1.1 percent.

Instead of growing by 5.4 million, the number of poor declined by 300,000.

Instead of increasing by only $759, the average income of middle-income families rose by $3,673.

Instead of falling by $559, the average income of the poorest fifth of families went up by $604.

When you look at the income figures from the real Reagan economic era of 1982 through 1989, this is what you see: The average income of the poorest fifth of American families actually increased by 10.4 percent. The average income for other groups also rose by 9.5 percent for the second-lowest fifth; 11.7 percent for the middle fifth; 12.2 percent for the second-highest fifth; and 13.6 percent for the highest fifth.

In short, the rich, the poor and middle-class all got richer when Mr. Reagan's economic program was in effect. That's the real picture of supply-side economics in the Reagan '80s, and it's very different from the caricature drawn by Democrats, which has been accepted as gospel by the media. By contrast, during Jimmy Carter's economic era (1978 through 1981), the poverty rate rose by 2.6 percentage points; the number of Americans living in poverty increased by 7 million; average family income fell by $3,008, and the real income of the poorest fifth of families declined by $1,163.

What's significant about this blizzard of numbers is not just that the Democrats have distorted the truth about the Reagan era in order to score political points against Republicans. What's really important—and disturbing—is that by trying to discredit Reaganomics, the Democrats are in effect concluding that the economic growth it created was unfair. As a result, in all the world today only Cuban dictator Fidel Castro and the Democratic Party believe that more government, rather than an expanding economy, is the source of prosperity and opportunity.

The truth is that "a rising tide lifts all boats," as President Kennedy liked to say. While today's Democrats can't seen to grasp that a growing economy benefits rich and poor alike, that's exactly what happened during the real "Reagan '80s."

ADDITIONAL COSPONSORS

S. 493

At the request of Mr. KENNEDY, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Virginia [Mr. ROBB], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants, and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 523

At the request of Mr. SIMON, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 523, a bill to authorize the establishment of the National African-American Memorial Museum within the Smithsonian Institution.

S. 596

At the request of Mr. MITCHELL, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 596, a bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with environmental laws and requirements.

S. 685

At the request of Mr. GLENN, the names of the Senator from Illinois [Mr. SIMON], the Senator from Hawaii [Mr. INOUYE], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 685, a bill to establish Summer Residential Science Academies for talented, economically disadvantaged, minority participants, and for other purposes.

S. 709

At the request of Mr. HATCH, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 709, a bill to amend the Internal Revenue Code to allow a deduction for qualified adoption expenses, and for other purposes.

S. 838

At the request of Mr. DODD, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 838, a bill to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such act, and for other purposes.

S. 844

At the request of Mr. DOMENICI, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 844, a bill to provide for the minting and circulation of 1 dollar coins.

S. 878

At the request of Mr. DODD, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 878, a bill to assist in implementing the plan of action adopted by the World Summit for Children, and for other purposes.

S. 914

At the request of Mr. GLENN, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 914, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 1270

At the request of Mr. MCCAIN, the names of the Senator from Utah [Mr. GARN] and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 1270, a bill to require the heads of departments and agencies of the Federal Government to disclose information concerning U.S. personnel classified as prisoners of war or missing in action.

S. 1332

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1332, a bill to amend title XVIII of the Social Security Act to provide relief to physicians with respect to excessive regulations under the Medicare Program.

S. 1410

At the request of Mr. PRESSLER, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1410, a bill relating to the rights of consumers in connection with telephone advertising.

S. 1455

At the request of Mr. GRAHAM, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Connecticut [Mr. DODD], the Senator from Georgia [Mr. FOWLER], the Senator from Texas [Mr. BENTSEN], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 1455, a bill entitled the "World Cup USA 1994 Commemorative Coin Act."

S. 1482

At the request of Mr. DIXON, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 1482, a bill to amend the Social Security Act to improve the notice of Medicaid payment of Medicare cost-sharing, and for other purposes.

S. 1488

At the request of Mr. GRASSLEY, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1488, a bill to amend the Older Americans Act of 1965 to increase efforts to inform isolated older individuals, and older individuals who are victims of Alzheimer's disease and related disorders, of the availability of assistance under title III of such act.

S. 1505

At the request of Mr. DECONCINI, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1505, a bill to amend the law relating to the Martin Luther King, Jr., Federal Holiday Commission.

S. 1554

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 1554, a bill to provide emergency unemployment compensation, and for other purposes.

SENATE JOINT RESOLUTION 131

At the request of Mr. LUGAR, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Joint Resolution 131, a joint resolution designating October 1991 as "National Down Syndrome Awareness Month."

SENATE JOINT RESOLUTION 183

At the request of Mr. BIDEN, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Hawaii [Mr. AKAKA], the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. REID], the Senator from North Dakota [Mr. CONRAD], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Florida [Mr. GRAHAM], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 183, a joint resolution to designate the week beginning September 1, 1991, as "National Campus Crime and Security Awareness Week."

SENATE CONCURRENT RESOLUTION 44

At the request of Mr. JEFFORDS, the names of the Senator from Washington [Mr. ADAMS], the Senator from Montana [Mr. BAUCUS], the Senator from Missouri [Mr. BOND], the Senator from

Colorado [Mr. BROWN], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. CONRAD], the Senator from Arizona [Mr. DECONCINI], the Senator from Utah [Mr. GARN], the Senator from Iowa [Mr. HARKIN], the Senator from North Carolina [Mr. HELMS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Mississippi [Mr. LOTT], the Senator from Florida [Mr. MACK], the Senator from New York [Mr. MOYNIHAN], and the Senator from Alaska [Mr. MURKOWSKI], were added as cosponsors of Senate Concurrent Resolution 44, a concurrent resolution expressing the sense of Congress that the American public should observe the 100th anniversary of moviemaking and recognize the contributions of the American Film Institute in advocating and preserving the art of film.

SENATE JOINT RESOLUTION 103

At the request of Mr. DIXON, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Resolution 103, a resolution relating to the contributions to Operation Desert Storm made by the defense-related industries of the United States.

SENATE RESOLUTION 160—AUTHORIZING TESTIMONY BY AND REPRESENTATION OF MEMBERS OF THE SENATE

Mr. WIRTH (for Mr. MITCHELL, for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 160

Whereas, in In re American Continental Corporation/Lincoln Savings & Loan Securities Litigation, MDL Docket No. 834, pending in the United States District Court for the District of Arizona, plaintiffs have requested the testimony of Senator John Glenn and Senator John McCain;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Senator John Glenn and Senator John McCain are authorized to testify in In re American Continental Corporation/Lincoln Savings & Loan Securities Litigation, except when their attendance at the Senate is necessary for the performance of their legislative duties and except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Senator John Glenn and Senator John McCain in connection with their testimony in In re American Continental Corporation/Lincoln Savings & Loan Securities Litigation.

AMENDMENTS SUBMITTED

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

PELL (AND HELMS) AMENDMENT NO. 876

Mr. PELL (for himself and Mr. HELMS) proposed an amendment to the bill (S. 1433) to authorize appropriations for fiscal years 1992 and 1993 and for the Department of State, and for other purposes, as follows:

At the end of the bill, add the following new title:

TITLE X—CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Chemical and Biological Weapons Control and Warfare Elimination Act of 1991".

SEC. 1002. PURPOSES.

The purposes of this title are—

(1) to mandate United States sanctions, and to encourage international sanctions, against countries that use chemical or biological weapons in violation of international law or use lethal chemical or biological weapons against their own nationals, and to impose sanctions against companies that aid in the proliferation of chemical and biological weapons;

(2) to support multilaterally coordinated efforts to control the proliferation of chemical and biological weapons; and

(3) to urge continued close cooperation with the Australia Group and cooperation with other supplier nations to devise ever more effective controls on the transfer of materials, equipment, and technology applicable to chemical or biological weapons production; and

(4) to require Presidential reports on efforts that threaten United States interests or regional stability by Iran, Iraq, Syria, Libya, and others to acquire the materials and technology to develop, produce, stockpile, deliver, transfer, or use chemical or biological weapons.

Subtitle A—Measures To Prevent the Proliferation of Chemical and Biological Weapons

SEC. 1021. MULTILATERAL EFFORTS.

(a) MULTILATERAL CONTROLS ON PROLIFERATION.—It is the policy of the United States to seek multilaterally coordinated efforts with other countries to control the proliferation of chemical and biological weapons. In furtherance of this policy, the United States shall—

(1) promote agreements banning the transfer of missiles suitable for armament with chemical or biological warheads;

(2) set as a top priority the early conclusion of a comprehensive global agreement banning the use, development, production, and stockpiling of chemical weapons;

(3) seek and support effective international means of monitoring and reporting regularly on commerce in equipment, materials, and technology applicable to the attainment of a chemical or biological weapons capability; and

(4) pursue and give full support to multilateral sanctions pursuant to United Nations Security Council Resolution 620, which declared the intention of the Security Council to give immediate consideration to imposing "appropriate and effective" sanctions against any country which uses chemical weapons in violation of international law.

(b) MULTILATERAL CONTROLS ON CHEMICAL AGENTS, PRECURSORS, AND EQUIPMENT.—It is also the policy of the United States to strengthen efforts to control chemical agents, precursors, and equipment by taking all appropriate multilateral diplomatic measures—

(1) to continue to seek a verifiable global ban on chemical weapons at the 40 nation Conference on Disarmament in Geneva;

(2) to support the Australia Group's objective to support the norms and restraints against the spread and the use of chemical warfare, advance the negotiation of a comprehensive ban on chemical warfare by taking appropriate measures, and to protect the Australia Group's domestic industries against inadvertent association with supply of feedstock chemical equipment that could be misused to produce chemical weapons;

(3) to implement paragraph (2) by proposing steps complementary to, and not mutually exclusive of, existing multilateral efforts seeking a verifiable ban on chemical weapons, such as the establishment of—

(A) a harmonized list of export control rules and regulations to prevent relative commercial advantage and disadvantages accruing to Australia Group members,

(B) liaison officers to the Australia Group's coordinating entity from within the diplomatic missions,

(C) a close working relationship between the Australia Group and industry,

(D) a public unclassified warning list of controlled chemical agents, precursors, and equipment,

(E) information-exchange channels of suspected proliferants,

(F) a "denial" list of firms and individuals who violate the Australia Group's export control provisions, and

(G) broader cooperation between the Australia Group and other countries whose political commitment to stem the proliferation of chemical weapons is similar to that of the Australia Group; and

(4) to adopt the imposition of stricter controls on the export of chemical agents, precursors, and equipment and to adopt tougher multilateral sanctions against firms and individuals who violate these controls or against countries that use chemical weapons.

SEC. 1022. UNITED STATES EXPORT CONTROLS.

(a) IN GENERAL.—The President shall—

(1) use the authorities of the Arms Export Control Act to control the export of those defense articles and defense services, and

(2) use the authorities of the Export Administration Act of 1979 to control the export of those goods and technology,

that the President determines would assist the government of any foreign country in ac-

quiring the capability to develop, produce, stockpile, deliver, or use chemical or biological weapons.

(b) EXPORT ADMINISTRATION ACT.—Section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405), as amended by the preceding provisions of this Act, is further amended.

(1) by redesignating subsections (m) through (s) as subsections (n) through (t), respectively; and

(2) by inserting after subsection (l), as added by section 302 of this Act, the following:

"(m) CHEMICAL AND BIOLOGICAL WEAPONS.—

"(1) ESTABLISHMENT OF LIST.—The Secretary, in consultation with the Secretary of State, the Secretary of Defense, and the heads of other appropriate departments and agencies, shall establish and maintain, as part of the list maintained under this section, a list of goods and technology that would directly and substantially assist a foreign government or group in acquiring the capability to develop, produce, stockpile, or deliver chemical or biological weapons, the licensing of which would be effective in barring acquisition or enhancement of such capability.

"(2) REQUIREMENT FOR VALIDATED LICENSES.—The Secretary shall require a validated license for any export of goods or technology on the list established under paragraph (1) to any country of concern.

"(3) COUNTRIES OF CONCERN.—For purposes of paragraph (2) and section 10(r), the term 'country of concern' means any country other than—

"(A) a country with whose government the United States has entered into a bilateral or multilateral arrangement for the control of goods or technology on the list established under paragraph (1); and

"(B) such other countries as the Secretary of State, in consultation with the Secretary and the Secretary of Defense, shall designate consistent with the purposes of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.".

SEC. 1023. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.

"(a) AMENDMENT TO EXPORT ADMINISTRATION ACT.—The Export Administration Act of 1979 is amended by inserting after Section 11B the following:

"CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION SANCTIONS

"SEC. 11B. (a) IMPOSITION OF SANCTIONS.—

"(1) DETERMINATION BY THE PRESIDENT.—(A) Except as provided in subsection (b)(2), the President shall impose both of the sanctions described in subsection (c) if the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly and materially contributed—

"(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States under this Act, or

"(B) through the export from any other country of any goods or technology that would be, if they were United States goods or technology, subject to the jurisdiction of the United States under this Act,

to the efforts by any foreign country described in paragraph (2) to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

"(2) COUNTRIES RECEIVING ASSISTANCE.—Paragraph (1) applies in the case of—

"(A) any foreign country that the President determines has, at any time after January 1, 1980—

"(i) used chemical or biological weapons in violation of international law;

"(ii) used lethal chemical or biological weapons against its own nationals; or

"(iii) made substantial preparations to engage in the activities described in clause (i) or (ii); or

"(B) any foreign country whose government is determined for purposes of section 6(j) of this Act to be a government that has repeatedly provided support for acts of international terrorism.

"(3) PERSONS AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.—Sanctions shall be imposed pursuant to paragraph (1) on—

"(A) the foreign person with respect to which the President makes the determination described in that paragraph;

"(B) any successor entity to that foreign person;

"(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

"(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by the foreign person.

"(b) CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

"(1) CONSULTATIONS.—If the President makes the determinations described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section.

"(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue each consultations with that government, the President may delay imposition of sanctions pursuant to this section for a period of up to 90 days. Following these consultations, the President shall impose sanctions unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1).

"(3) REPORT TO CONGRESS.—The President shall report to the Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

"(c) SANCTIONS.—

"(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, the following:

"(A) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods, or services from any person described in subsection (a)(3).

"(B) IMPORT SANCTIONS.—The importation into the United States of products produced by any person described in subsection (a)(3) shall be prohibited.

"(2) EXCEPTIONS.—The President shall not be required to apply or maintain sanctions under this section—

"(A) in the case of procurement of defense articles or defense services—

"(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

"(ii) if the President determines that the person or other entity to which the sanctions would otherwise be applied in a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

"(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose sanctions;

"(C) to—

"(i) spare parts,

"(ii) component parts, but not finished products, essential to United States products or production, or

"(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

"(D) to information and technology essential to United States products or production; or

"(E) to medical or other humanitarian items.

"(d) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government in its efforts to acquire chemical or biological weapons capability as described in that subsection.

"(e) WAIVER.—

"(1) CRITERION FOR WAIVER.—The President may waive the application of any sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

"(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

"(f) DEFINITION OF FOREIGN PERSON.—For the purposes of this section, the term 'foreign person' means—

"(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

"(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.".

(b) AMENDMENT TO ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended by inserting after chapter 7, the following:

"CHAPTER 8—CHEMICAL OR BIOLOGICAL WEAPONS PROLIFERATION

"SEC. 81. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.

"(a) IMPOSITION OF SANCTIONS.—

"(1) DETERMINATION BY THE PRESIDENT.—(A) Except as provided in subsection (b)(2),

the President shall impose both of the sanctions described in subsection (c) if the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly and materially contributed—

"(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States,

"(B) through the export from any other country of any goods or technogy that would be, if they were United States goods or technology, subject to the jurisdiction of the United States, or

"(C) through any other transaction not subject to sanctions pursuant to the Export Administration Act of 1979,

to the efforts by any foreign country described in paragraph (2) to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

"(2) COUNTRIES RECEIVING ASSISTANCE.—Paragraph (1) applies in the case of—

"(A) any foreign country that the President determines has, at any time after January 1, 1980—

"(i) used chemical or biological weapons in violation of international law;

"(ii) used lethal chemical or biological weapons against its own nationals; or

"(iii) made substantial preparations to engage in the activities described in clause (i) or (ii); or

"(B) any foreign country whose government is determined for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)) to be a government that has repeatedly provided support for acts of international terrorism.

"(3) PERSONS AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.—Sanctions shall be imposed pursuant to paragraph (1) on—

"(A) the foreign person with respect to which the President makes the determination described in that paragraph;

"(B) any successor entity to that foreign person;

"(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

"(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

"(b) CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICATION.—

"(1) CONSULTATIONS.—If the President makes the determinations described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section.

"(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay imposition of sanctions pursuant to this section for a period of up to 90 days. Following these consultations, the President shall impose sanctions unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriation penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1).

"(3) REPORT TO CONGRESS.—The President shall report to the Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

"(c) SANCTIONS.—

"(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, the following:

"(A) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(3).

"(B) IMPORT SANCTIONS.—The importation into the United States of products produced by any person described in subsection (a)(3) shall be prohibited.

"(2) EXCEPTIONS.—The President shall not be required to apply or maintain sanctions under this section—

"(A) in the case of procurement of defense articles or defense services—

"(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

"(ii) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

"(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose sanctions;

"(C) to—

"(i) spare parts,

"(ii) component parts, but not finished products, essential to United States products or production, or

"(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

"(D) to information and technology essential to United States products or production; or

"(E) to medical or other humanitarian items.

"(d) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government in its efforts to acquire chemical or biological weapons capability as described in that subsection.

(e) WAIVER.—

"(1) CRITERION FOR WAIVER.—The President may waive the application of any sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

"(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

"(f) DEFINITION OF FOREIGN PERSON.—For the purposes of this section, the term 'foreign person' means—

"(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

"(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.".

Subtitle B—Sanctions Against the Use of Chemical and Biological Weapons

SEC. 1041. DETERMINATIONS REGARDING USE OF CHEMICAL OR BIOLOGICAL WEAPONS.

(a) DETERMINATION BY THE PRESIDENT.—

(1) WHEN DETERMINATION REQUIRED; NATURE OF DETERMINATION.—Whenever information becomes available to the executive branch indicating the substantial possibility that, on or after the date of the enactment of this Act, the government of a foreign country has made substantial preparation to use or has used chemical or biological weapons, the President shall, within 60 days after the receipt of such information by the executive branch, determine whether that government, on or after such date of enactment, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. Section 442 applies if the President determines that that government has so used chemical or biological weapons.

(2) MATTERS TO BE CONSIDERED.—In making the determination under paragraph (1), the President shall consider the following:

(A) All physical and circumstantial evidence available bearing on the possible use of such weapons.

(B) All information provided by alleged victims, witnesses, and independent observers.

(C) The extent of the availability of the weapons in question to the purported user.

(D) All official and unofficial statements bearing on the possible use of such weapons.

(E) Whether, and to what extent, the government in question is willing to honor a request from the Secretary General of the United Nations to grant timely access to a United Nations fact-finding team to investigate the possibility of chemical or biological weapons use or to grant such access to other legitimate outside parties.

(3) DETERMINATION TO BE REPORTED TO CONGRESS.—Upon making a determination under paragraph (1), the President shall promptly report that determination to the Congress. If the determination is that a foreign government had used chemical or biological weapons as described in that paragraph, the report shall specify the sanctions to be imposed pursuant to section 1042.

(b) CONGRESSIONAL REQUESTS; REPORT.—

(1) REQUEST.—The Chairman of the Committee on Foreign Relations of the Senate (upon consultation with the ranking minority member of such committee) or the Chairman of the Committee on Foreign Affairs of the House of Representatives (upon consultation with the ranking minority member of such committee) may at any time request the President to consider whether a particular foreign government, on or after the date of the enactment of this Act, has used chem-

ical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals.

(2) REPORT TO CONGRESS.—Not later than 60 days after receiving such a request, the President shall provide to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives a written report on the information held by the executive branch which is pertinent to the issue of whether the specified government, on or after the date of the enactment of this Act, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. This report shall contain an analysis of each of the items enumerated in subsection (a)(2).

SEC. 1042. SANCTIONS AGAINST USE OF CHEMICAL OR BIOLOGICAL WEAPONS.

(a) SANCTIONS.—If, at any time, the President makes a determination pursuant to section 441(a)(1) with respect to the government of a foreign country, the President shall forthwith impose the sanctions set forth in the following paragraphs:

(1) FOREIGN ASSISTANCE.—The United States Government shall terminate assistance to that country under the Foreign Assistance Act of 1961, except for urgent humanitarian assistance and food or other agricultural commodities or products.

(2) ARMS SALES.—The United States Government shall terminate—

(A) sales to that country under the Arms Export Control Act of any defense articles, defense services, or design and construction services, and

(B) licenses for the export to that country of any item on the United States Munitions List.

(3) ARMS SALES FINANCING.—The United States Government shall terminate all foreign military financing for that country under the Arms Export Control Act.

(4) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The United States Government shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by international financial institutions.

(5) DENIAL OF UNITED STATES GOVERNMENT CREDIT OR OTHER FINANCIAL ASSISTANCE.—The United States Government shall deny to that country any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, including the Export-Import Bank of the United States.

(6) BANK LOANS.—The United States Government shall prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities or products.

(7) EXPORTS OF NATIONAL SECURITY-SENSITIVE GOODS AND TECHNOLOGY.—The authorities of section 6 of the Export Administration Act of 1979 (50 U.S.C. 2405) shall be used to prohibit the export to that country of any goods or technology on that part of the control list established under section 5(c)(1) of that Act (22 U.S.C. 2404(c)(1)).

(8) FURTHER EXPORT RESTRICTIONS.—The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to that country of all other goods and technology (excluding food and other agricultural commodities and products).

(9) IMPORT RESTRICTIONS.—Restrictions shall be imposed on the importation into the United States of articles (which may include petroleum or any petroleum product) that are the growth, product, or manufacture of that country.

(10) LANDING RIGHTS.—At the earliest practicable date, the United States Government shall terminate, consistent with international law, the authority of any air carrier which is controlled in fact by the government of that country to engage in air transportation (as defined in section 101(10) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(10))).

(b) REMOVAL OF SANCTIONS.—The President shall remove the sanctions imposed with respect to a country pursuant to this section if the President determines and so certifies to the Congress, after the need of the 12-month period beginning on the date on which sanctions were initially imposed on that country pursuant to subsection (a), that—

(1) the government of that country has provided reliable assurances that it will not use chemical or biological weapons in violation of international law and will not use lethal chemical or biological weapons against its own nationals;

(2) that government is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals;

(3) that government is willing to allow on-site inspections by United Nations observers or other internationally recognized, impartial observers to verify that it is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals, or other reliable means exist to verify that it is not making such preparations; and

(4) that government is making restitution to those affected by any use of chemical or biological weapons in violation of international law or by any use of lethal chemical or biological weapons against its own nationals.

(d) WAIVER.—

(1) CRITERIA FOR WAIVER.—The President may waive the application of any sanction imposed with respect to a country pursuant to this section—

(A) after the end of the 12-month period beginning on the date on which sanctions were initially imposed on that country, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States; or

(B) at any time, if the President determines and certifies to the Congress that there has been a fundamental change in leadership and policies of the government of that country.

(2) REPORT.—In the event that the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise that waiver authority.

(e) CONTRACT SANCTITY.—

(1) SANCTIONS NOT APPLIED TO EXISTING CONTRACTS.—(A) A sanction described in any of paragraphs (4) through (9) of subsection (a) shall not apply to any activity pursuant to any contract or international agreement entered into before the date of the presidential determination under section 441(a)(1) unless the President determines, on a case-by-case basis, that to apply such sanction to that activity would prevent the performance of a contract or agreement that would have the effect of assisting a country in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals.

(B) The same restrictions of subsection (p) of section 6 of the Export Administration Act of 1979 (50 U.S.C. 2405), as that subsection is so redesignated by the preceding provisions of this Act, which are applicable to exports prohibited under section 6 of that Act shall apply to exports prohibited under subsection (a)(7) or (a)(8) of this section. For purposes of this subparagraph, any contract or agreement the performance of which (as determined by the President) would have the effect of assisting a foreign government in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals shall be treated as constituting a breach of the peace that poses a serious and direct threat to the strategic interest of the United States, within the meaning of subparagraph (A) of section 6(p) of that Act.

(2) SANCTIONS APPLIED TO EXISTING CONTRACTS.—The sanctions described in paragraphs (1), (2), and (3) of subsection (a) shall apply to contracts, agreements, and licenses without regard to the date the contract or agreement was entered into or the license was issued (as the case may be), except that such sanctions shall not apply to any contract or agreement entered into or license issued before the date of the presidential determination under section 441(a)(1) if the President determines that the application of such sanction would be detrimental to the national security interests of the United States.

Subtitle C—Reporting Requirements

SEC. 1061. PRESIDENTIAL REPORTING REQUIREMENTS.

(a) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, and every 12 months thereafter, the President shall transmit to the Congress a report which shall include—

(1) a description of the actions taken to carry out this title, including the amendments made by this title;

(2) a description of the current efforts of foreign countries and subnational groups to acquire equipment, materials, or technology to develop, produce, or use chemical or biological weapons, together with an assessment of the current and likely future capabilities of such countries and groups to develop, produce, stockpile, deliver, transfer, or use such weapons;

(3) a description of—

(A) the use of chemical weapons by foreign countries in violation of international law,

(B) the use of chemical weapons by subnational groups,

(C) substantial preparations by foreign countries and subnational groups to do so, and

(D) the development, production, stockpiling, or use of biological weapons by foreign countries and subnational groups; and

(4) a description of the extent to which foreign persons or governments have knowingly and materially assisted third countries or subnational groups to acquire equipment, material, or technology intended to develop, produce, or use chemical or biological weapons.

(b) PROTECTION OF CLASSIFIED INFORMATION.—To the extent practicable, reports

submitted under subsection (a) or any other provision of this title should be based on unclassified information. Portions of such reports may be classified.

PELL AMENDMENT NO. 877

Mr. PELL proposed an amendment to the bill S. 1433, supra, as follows:

Section 234 is amended by striking subsection (b), (c), (d), and (e) and inserting in lieu thereof the following—

(b) BROADCASTS IN KURDISH.—As soon as practicable, but not later than six months after the date of enactment of this Act, the Director of the United States Information Agency shall establish, through the Voice of America, a service to provide Kurdish language programming to the Kurdish people. Consistent with the mission and practice of the Voice of America, these broadcasts in Kurdish shall include news and information on events that affect the Kurdish people.

(c) AMOUNT OF PROGRAMMING.—As soon as practicable but not later than one year after enactment, the Voice of America Kurdish language programming pursuant to this section shall be broadcast for not less than one hour each day.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds otherwise available under section 231 of this Act, there are authorized to be appropriated to the Voice of America for purposes of carrying out this section $1,000,000 for fiscal year 1992 and $1,000,000 for fiscal year 1993.

(e) PLAN FOR A KURDISH LANGUAGE SERVICE.—Not later than three months after enactment of this Act, the Director of the United States Information Agency shall submit to the chairman of the Senate Committee on Foreign Relations and to the Speaker of the House of Representatives a report on progress made toward implementation of this section.

(f) HIRE OF KURDISH LANGUAGE SPEAKERS.—In order to expedite the commencement of Kurdish language broadcasts, the Director of the United States Information Agency is authorized to hire, subject to the availability of appropriations, Kurdish language speakers on a contract not to exceed one year without regard to competitive and other procedures that might delay such hiring.

(g) SURROGATE HOME SERVICE.—Not later than one year after the date of enactment of this Act, the Chairman of the Board for International Broadcasting shall submit to the chairman of the Senate Committee on Foreign Relations and the Speaker of the House of Representatives a plan, together with a detailed budget, for the establishment of a surrogate home service under the auspices of Radio Free Europe/Radio Liberty for the Kurdish people. Such surrogate home service for the Kurdish people shall broadcast not less than two hours a day.

PELL (AND OTHERS) AMENDMENT NO. 878

Mr. PELL (for himself, Mr. WALLOP, Mr. KERRY, Mr. MOYNIHAN, Mr. SIMON, Mr. LEVIN, and Mr. DURENBERGER) proposed an amendment to the bill S. 1433, supra, as follows:

At the appropriate place in the bill, add the following new section:

SEC. .

(a) FINDINGS.—The Congress finds that—

(1) at least 100,000 individuals out of a population of nearly 700,000 perished in the former Portuguese colony of East Timor between 1975 and 1980, as a result of war-related killings, famine, and disease following the invasion of that territory by Indonesia;

(2) Amnesty International and other international human rights organizations continues to report evidence in East Timor of human rights violations, including torture, arbitrary arrest, and repression of freedom of expression;

(3) serious medical, nutritional, and humanitarian problems persist in East Timor;

(4) a state of conflict continues to exist in Eact Timor; and

(5) the governments of Portugal and Indonesia have conducted discussions since 1982 under the auspices of the United Nations to find an internationally acceptable solution to the East Timor conflict;

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) the President should urge the Government of Indonesia to take action and to end all forms of human rights violations in East Timor and to permit full freedom of expression in East Timor;

(2) the President should encourage the Government of Indonesia to facilitate the work of international human rights organizations and other groups seeking to monitor human rights conditions in East Timor and to cooperate with international humanitarian relief and development organizations seeking to work in East Timor; and,

(3) that the administration should work with the United Nations and the governments of Indonesia, Portugal, and other involved parties to develop policies to address the underlying causes of the conflict in East Timor.

DOLE (AND SIMON) AMENDMENT NO. 879

Mr. DOLE (for himself and Mr. SIMON) proposed an amendment to the bill S. 1433, supra, as follows:

SECTION 1. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to support democratization within the Soviet Union and support self-determination, observer and other appropriate status in international organizations particularly the CSCE, and independence for all Soviet republics which seek such status;

(2) to continue to support restoration of independence for Estonia, Latvia, and Lithuania;

(3) to shape its foreign assistance and other programs to support those republics whose governments are democratically elected and to encourage democracy throughout the Soviet Union; and

(4) to strongly support peaceful resolution of conflicts within the Soviet Union and between the central Soviet government and the Baltic States and Soviet republics, condemn the actual and threatened use of martial law, pogroms, military occupation, blockades, and other uses of force which have been used to suppress democracy and self-determination, and view the threatened and actual use of force to suppress the self-determination of Soviet republics and the Baltic States as an obstacle to fully normalized United States-Soviet relations.

SEC. 2. REPORT TO CONGRESS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the Congress a comprehensive report on actual and threatened uses of force against the Baltic States, the Soviet republics, and autonomous regions within the Soviet Union. For 1992 and each subsequent year such a report shall be included as part of the annual country reports on Human Rights Practices prepared by the Department of State in compliance with section 116(d)(1) of the Foreign Assistance Act of 1961.

HELMS AMENDMENT NO. 880

Mr. HELMS proposed an amendment to the bill S. 1433, supra, as follows:

On page 9, line 22, insert the following new paragraph:

(3) None of the amounts authorized to be appropriated under paragraph (2) shall be disbursed to the United Nations or any affiliated organization until the President reports to the Congress the specific elements of the plan by which the United Nations, and each affiliated organization authorized to receive such funds, intends to expend or otherwise use such funds.

HELMS AMENDMENT NO. 881

Mr. PELL (for Mr. HELMS) proposed an amendment to the bill S. 1433, supra, as follows:

At the appropriate place in the bill, add the following new section:

SEC. . AMENDMENTS TO THE ARMS EXPORT CONTROL ACT.

(1) Section 73(a)(1)(A) of the Arms Export Control Act is amended by inserting "acquisition," before "design,";

(2) Section 74(8)(B) of the Arms Export Control Act is amended by striking "countries where it may be impossible to identify a specific governmental entity referred to in subparagraph (A)" and inserting in lieu thereof "countries with non-market economies";

(3) Section 74(8)(B)(ii) of the Arms Export Control Act is amended by striking "aircraft, electronics, and space systems or equipment" and inserting in lieu thereof: "electronics, space systems or equipment, and military aircraft".

SIMON AMENDMENTS NOS. 882 THROUGH 884

Mr. PELL (for Mr. SIMON) proposed three amendments to the bill S. 1433, supra, as follows:

AMENDMENT NO. 882

At the appropriate place in the bill, add the following new section:

SEC. . SENSE OF CONGRESS REGARDING BORIS YELTSIN'S ELECTION TO THE PRESIDENCY OF THE RUSSIAN REPUBLIC.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the Russian people freely elected Boris Yeltsin as their president on June 12, 1991;

(2) the election held in the Russian Republic was the first democratic election for the presidency of Russia;

(3) the support given by President Yeltsin for "freedom for the Baltic peoples" is to be commended and encouraged;

(4) the support given by President Yeltsin for a "market economy, a plurality of forms of ownership, equality of all forms of property under the law, privatization, giving land to the farmers, carrying out land reform, a credit reform and bringing in foreign investment" is to be commended and encouraged;

(5) the support expressed by President Yeltsin for warm and friendly relations between the peoples of the Russian Republic and the American people is to be commended and encouraged.

(b) POLICY.—It is the sense of the Congress that—

(1) the people of the Russian Republic and their president, Boris Yeltsin, are to be congratulated for the first democratic election held in Russia on June 12, 1991;

(2) the people of the United States encourage President Yeltsin and the Russian people to continue their political, economic, military and social reforms on the road to a free, open, and democratic society.

AMENDMENT NO. 883

At the appropriate place in the bill, add the following new section:

SEC. . ENCOURAGING LANGUAGE TRAINING IN THE FOREIGN SERVICE.

The Department of State, the Department of Commerce and the United States Information Agency shall ensure that the precepts for promotion of Foreign Service employees provide that end-of-training reports for employees in full-time language training shall be weighed as heavily as the annual employee efficiency reports, in order to ensure that employees in language training are not disadvantaged in the promotion process.

AMENDMENT NO. 884

On page 42, line 4, strike the period after "appointees" and insert the following: "; and matters related to section 607 of the Foreign Service Act of 1980 (22 U.S.C. 4007), relating to senior Foreign Service officers who were working under section 607(d)(2) temporary career extensions on June 2, 1990, and who, because the 14-year time-in-class benefit had been denied them, were involuntarily retired under section 607 after June 2, 1990.".

ROCKEFELLER AMENDMENT NO. 885

Mr. PELL (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1433, supra, as follows:

On page 49, after line 22, insert the following new section:

SEC. 159. LOCAL COMPENSATION PLANS FOR UNITED STATES CITIZENS RESIDING ABROAD.

(a) AUTHORITY.—Section 408(a) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)) is amended—

(1) in the first sentence, by inserting after "Service," the following: "United States citizens employed in the Service abroad who were hired while residing abroad,"; and

(2) in the second sentence, by inserting after "wages" the following: "to United States citizens employed in the Service abroad who were hired while residing abroad and".

(b) EMPLOYMENT PROGRAMS.—Section 408(b) of such Act is amended by inserting after "foreign nationals" the following: ", are United States citizens employed in the Service abroad who were hired while residing abroad,".

LIEBERMAN AMENDMENT NO. 886

Mr. PELL (for Mr. LIEBERMAN) proposed an amendment to the bill S. 1433, supra, as follows:

At the end of the bill, add the following:

TITLE X—PROCOMPETITIVENESS AND ANTIBOYCOTT ACT OF 1991

SEC. 1001. SHORT TITLE.

This title may be cited as the "Procompetitiveness and Antiboycott Act of 1991".

SEC. 1002. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the Arab boycotts of Israel have distorted international trade and investment;

(2) the secondary and tertiary boycotts of Israel by Arab nations has put American companies refusing to obey it at a competitive disadvantage;

(3) the secondary and tertiary boycotts of Israel by Arab nations has stifled foreign investment in Israel;

(4) companies that conform to the boycotts contribute to the distortion of international commerce and investment; and

(5) it is in the interest of all nations to have free trade and a liberal climate for investment.

SEC. 1003. OECD REPORT.

(a) DISCUSSIONS AT THE OECD.—The United States Ambassasor to the Organization for Economic Cooperation and Development (OECD) shall discuss with representatives from other OECD member nations—

(1) the extent to which companies, public and private, obey the secondary and tertiary boycotts of Israel by Arab nations;

(2) the effectiveness of antiboycott laws of those nations that currently have or have had such laws;

(3) the extent to which the boycotts has skewed global trade and investment, as well as regional trade and investment in the Middle East;

(4) the extent to which companies not obeying the boycotts are placed at a competitive disadvantage as a result of the boycott;

(5) the extent to which the boycotts contradict OECD trade and investment policy; and

(6) the development of a set of guidelines, using the Arrangement on Export Credits as a model for the devlopment of these guidelines, that OECD nations can agree on as a way to eliminate compliance with the Arab secondary and tertiary boycotts of Israel.

(b) REPORT TO CONGRESS.—The United States Ambassador to the OECD shall submit to Congress a report six months after the date of enactment of this Act on the progress of discussions as described in section 1003(a).

SEC. 1004. GATT REPORT.

(a) IN GENERAL.—The United States Trade Representative shall enter into discussions with representatives from member nations of the General Agreement on Tariffs and Trade (GATT) to determine the extent to which—

(1) the Arab secondary and tertiary boycotts of Israel has distorted trade;

(2) members of and observers to the GATT encourage actions, including the furnishing of information or entering into implementing agreements, which have the effect of furthering or supporting the secondary and tertiary boycotts;

(3) the GATT can and should work to eliminate the Arab secondary and tertiary boycotts of Israel; and

(4) GATT articles, specifically Articles I and XI, can be used to eliminate compliance with the secondary and tertiary boycotts and what additional measures, including penalties, can be applied to nations imposing and obeying the secondary and tertiary boycotts.

(b) REPORT TO CONGRESS.—The United States Trade Representative shall submit to Congress a report six months after the date of enactment of this Act on the discussions as described in section 1004(a).

SEC. 1005. PRESIDENTIAL REPORT.

Not later than 90 days after the date of enactment of this Act, the President shall submit a report to the Congress on—

(1) what progress has been made on getting other nations to end compliance with the secondary and tertiary boycotts; and

(2) what progress has been made to get Arab nations to end the secondary and tertiary boycotts of Israel.

SEC. 1006. DEFINITIONS.

For purposes of this Act, the term "secondary and tertiary boycotts" mean the boycotts by Arab governments of companies which provide goods or services to Israelis or Israeli firms, invest in Israel or Israeli firms, ships that call at Israeli ports, and the goods and services of people or entities which support the State of Israel.

EMERGENCY UNEMPLOYMENT COMPENSATION ACT

KASTEN AMENDMENT NO. 887

Mr. KASTEN submitted an amendment intended to be proposed by him to the bill (S. 1554) to provide emergency unemployment compensation, and for other purposes, as follows:

At the end of the bill add the following new section:

SEC. . SENSE OF THE SENATE REGARDING THE REPEAL OF THE LUXURY EXCISE TAX ON BOATS.

It is the sense of the Senate that—

(1) the luxury excise tax on boats has imposed an unfair burden on boat manufacturers and workers in this country;

(2) the luxury excise tax on boats has brought the loss of thousands of jobs in the boat building industry;

(3) middle-class workers, not the wealthy, are harmed by the tax; and

(4) the House of Representatives should immediately adopt and send to the Senate for consideration legislation to repeal the luxury excise tax on boats.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 and 1993

MITCHELL (AND OTHERS) AMENDMENT NO. 888

Mr. PELL (for Mr. MITCHELL, for himself, Mr. SASSER, Mr. BOREN, Mr. BIDEN, Mr. SARBANES, and Mr. CRANSTON) proposed an amendment to the bill S. 1433, supra, as follows:

At the appropriate place in the bill add the following new title:

SEC. . SHORT TITLE.

This Act may be cited as the "United States Law and Business Training Program for Soviet Graduate Students Act".

SEC. . STATEMENT OF PURPOSE.

The purpose of this Act is to establish a scholarship program designed to bring students from the Soviet Union to the United States for study in the United States.

SEC. . FINDINGS AND DECLARATIONS OF POLICY.

The Congress finds and declares that—

(1) it is in the national interest for the United States Government to provide continuing financial support to individuals from the Soviet Union to study in the United States, and to gain experience and training in free market economics, Western business and legal systems, and public administra-

tion, in order to assist the process of economic and political reform in the Soviet Union, increase mutual understanding, and build lasting links between the Soviet people and the people of the United States;

(2) providing scholarships to Soviet students to study in the United States will over time effectively create strong bonds between the United States and the future leadership of the Soviet Union and its republics, while assisting the Soviet people in their political and economic reform efforts;

(3) study in United States institutions by Soviet students will enhance trade and economic relationships by providing professional and business contacts;

(4) students from the Soviet Union have in the past been unable to study in the United States for political and financial reasons;

(5) it is essential that the United States citizenry increase its knowledge and understanding of the Soviet Union, its language, cultures, and socioeconomic composition as the Soviet Union assumes a role in the world economic community; and

(6) a scholarship program for students from the Soviet Union to study in the United States would complement international efforts to assist the Soviet Union in its economic, political and social reforms.

SEC. . SCHOLARSHIP PROGRAM AUTHORITY.

(a) IN GENERAL.—The President, acting through the United States Information Agency, shall provide scholarships (including partial assistance) for study at United States institutions of higher education coupled with private and public sector internships by nationals of the Soviet Union who have completed their undergraduate education and would not otherwise have the opportunity to study in the United States due to financial limitations.

(b) FORM OF SCHOLARSHIP; FORGIVENESS OF LOAN REPAYMENT.—To encourage students to use their training in the Soviet Union, each scholarship pursuant to this section shall be in the form of a loan with all repayment to be forgiven upon the student's prompt return to the Soviet Union for a period which is at least one year longer than the period spent studying in the United States. If the student is granted asylum in the United States pursuant to section 208 of the Immigration and Nationality Act or is admitted to the United States as a refugee pursuant to section 207 of that Act, one-half of the repayment shall be forgiven.

SEC. . GUIDELINES.

The scholarship program under this Act shall be carried out in accordance with the following guidelines:

(1) Consistent with section 112(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(b)), all programs created pursuant to this Act shall be nonpolitical and balanced, and shall be administered in keeping with the highest standards of academic integrity and cost-effectiveness.

(2) The United States Information Agency shall design ways to identify promising students for study in the United States.

(3) The United States Information Agency shall develop and strictly implement specific financial need criteria. Scholarships under this Act may only be provided to students who meet the financial need criteria.

(4) The program may utilize educational institutions in the United States, if necessary, to help participants acquire necessary skills to fully participate in professional training.

(5) Each participant from the Soviet Union shall be selected on the basis of academic and leadership potential in the fields of business administration, economics, law, or public administration. Scholarship opportunities shall be limited to fields that are critical to economic and political reforms in the Soviet Union, particularly business administration, economics, law, or public administration.

(6) The program shall be flexible to include not only training and educational opportunities offered by universities in the United States, but to also support internships, education, and training in a professional setting.

(7) The program shall be flexible with respect to the number of years of education financed, but in no case shall students be brought to the United States for less than one year.

(8) Further allowance shall be made in the scholarship for the purchase of books and related educational material relevant to the program of study.

(9) Further allowance shall be made to provide opportunities for professional, academic, and cultural enrichment for scholarship recipients.

(10) The program shall, to the maximum extent practicable, offer equal opportunities for both male and female students to study in the United States.

(11) The program shall, to the maximum extent practicable, offer equal opportunities for students from each of the Soviet republics.

(12) The United States Information Agency shall recommend to each student who receives a scholarship under this Act that the student include in their course of study programs which emphasize the ideas, principles, and documents upon which the United States was founded.

SEC. . FUNDING OF SCHOLARSHIPS FOR FISCAL YEAR 1992 AND FISCAL YEAR 1993.

There are authorized to be appropriated to the United States Information Agency $10,000,000 for fiscal year 1992, and $10,000,000 for fiscal year 1993, to be used to carry out this Act.

SEC. . COMPLIANCE WITH CONGRESSIONAL BUDGET ACT.

Any authority provided by this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriation Acts.

BROWN AMENDMENT NOS. 889 AND 890

Mr. BROWN. Proposed two amendments to the bill S. 1433, supra, as follows:

At the appropriate place in the bill, add the following new section:

"SEC . CONFLICTS OF INTEREST.

No future sitting member of the Board of the National Endowment for Democracy can serve simultaneously on the Board of Directors or be an active member of the leadership of any grantee receiving more than 5% of National Endowment for Democracy funds."

On page 57, after line 21, add the following new section:

SEC. 170A. PROHIBITION OF FUNDING.

(a) FINDINGS.

The Congress finds that—

(1) the State Department has requested $899,000 for fiscal year 1992 to fund the International Coffee Organization;

(2) the International Coffee Agreement (ICA) and its administrative arm, the International Coffee Organization (ICO), were born in 1983 to stabilize global coffee trade, by establishing an export quota system;

(3) an export quota system for coffee acts directly against the interests of American consumers by keeping prices at artificially high levels;

(4) this fact has been demonstrated since the ICA was suspended in July, 1989, and prices fell from $3.17 per pound in June, 1989, to $2.87 per pound in June, 1991; and

(5) although the agreement lapsed in 1989, United States imports of coffee increased by 26 percent in 1990 over 1988 levels, at a total cost reduction of $548 million due to lower prices.

(B) PROHIBITION.—No funds appropriated under any provision of law shall be available for making further payments to the International Coffee organization, or ICO.

PRESSLER AMENDMENT NO. 892

Mr. PRESSLER proposed an amendment to the bill S. 1433, supra, as follows:

At the appropriate place in the bill, add the following new section:

SEC. . ENCOURAGING EMPLOYMENT OF UNITED STATES CITIZENS BY CERTAIN INTERNATIONAL ORGANIZATIONS.

(a) FINDINGS.—The Congress finds that—

(1) The United States is assessed 25 percent of the budget of the United Nations and many other specialized agencies;

(2) A number of international organizations have developed geographic distribution formulas as a guide to hiring personnel from specific countries;

(3) As the largest contributor to most United Nations system organizations, the United States should be assigned a high percentage of jobs in those organizations;

(4) At present, the employment of American professional staff members meets the geographic distribution formula in only two international organizations—the United Nations and the World Health Organization;

(5) Increased employment of American professional staff members by international organizations in which the United States is currently underrepresented enhances the effectiveness of those organizations;

(6) Increased employment of American professional staff members also represents tangible evidence that the United States is participating substantively in international organizations:

(7) Such increased employment further encourages confidence that United States assessments are a wise use of taxpayer funds.

(8) The following international organizations had in effect a geographic distribution formula on January 1, 1991: the United Nations; the Food and Agriculture Organization (FAO); the International Civil Aviation Organization (ICAO); the United Nations Industrial Development Organization (UNIDO); the World Health Organization (WHO); the World Intellectual Property Organization (WIPO); and the International Atomic Energy Agency (IAEA).

(b) CERTIFICATION.—Not less than 180 days after enactment of this Act, and each year thereafter, the Secretary of State shall certify to the Congress that an organization which had a geographic distribution formula in effect on January 1, 1991 is making progress in increasing American staffing, or that it has met its geographic distribution formula.

(c) AVAILABILITY OF FUNDS.—Funds authorized to be appropriated in section 102(a)(2) of this Act to pay arrearages for assessed contributions for prior years shall not be available unless the Secretary certifies that the conditions in paragraph (b) have been met.

HATCH AMENDMENT NO. 891

Mr. BROWN (for Mr. HATCH) proposed an amendment to the bill S. 1433, supra, as follows:

On page 39, beginning with line 2, strike all through line 12 on page 39, and insert the following in lieu thereof:

"(a) REPORT.—Not later than 180 days after the date of enactment by this Act, the Attorney General and the Secretary of State shall jointly submit to the Committees on Judiciary and Foreign Relations of the Senate and the Committees on Judiciary and Foreign Affairs of the House of Representatives a report and recommendations regarding whether Special Agents of the Diplomatic Security Service should be authorized to make arrests without warrants for offenses against the United States committed in their presence or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony.

(E) TERMS OF REFERENCE.—The report required by subsection (a) shall address at least the following topics:

(1) Whether similar arrest authority granted other Federal law enforcement agencies such as the Drug Enforcement Agency, the United States Customs Service, United States Marshalls, the Secret Service, and the Federal Bureau of Investigation has on balance served the public interest;

(2) Whether execution of the existing statutory responsibilities of the Diplomatic Security Service would be furthered by granting of such authority;

(3) Disadvantages which would be likely to result from granting of such authority;

(4) Proposed statutory language which would if enacted provide any such authority recommended, and

(5) Proposed regulations to implement any such enacted authority."

GLENN (AND OTHERS) AMENDMENT NO. 893

Mr. PELL (for Mr. GLENN, for himself, Mr. AKAKA, and Mr. HELMS) proposed an amendment to the bill S. 1433, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . AWARDING OF CONTRACTS FOR THE REBUILDING OF KUWAIT.

(a) FINDINGS.—The Congress finds that—

(1) the men and women of the Armed Forces of the United States, together with allied forces, have successfully liberated Kuwait, and the independence and sovereignty of Kuwait have been restored;

(2) considerable damage has been done to the infrastructure, environment, and industrial capacity of Kuwait, and reconstruction of Kuwait's economy is currently underway;

(3) the Government of Kuwait, Kuwaiti firms, and the United States Army Corps of Engineers are currently awarding contracts for supplies and goods and for engineering, consulting, and construction services for the rebuilding of Kuwait; and

(4) the Government of Kuwait, Kuwaiti firms, and the United States Army Corps of Engineers have awarded and may award contracts for the rebuilding of Kuwait which provide the opportunity for substantial participation by United States small and disadvantaged businesses.

(b) POLICY.—It is the sense of Congress that—

(1) the Government of Kuwait, Kuwaiti firms, the United States Army Corps of Engineers, and any other agency or entity of the United States Government should award contracts for the rebuilding of Kuwait with a preference given to any supplies or goods mined, produced, or manufactured in the United States and with a preference given to engineering, consulting, and construction services of firms established and doing business in the United States; and

(2) the Government of Kuwait, Kuwaiti firms, the United States Army Corps of Engineers, and any other agency or entity of the United States Government should encourage, to the maximum extent practicable, the participation of United States small businesses and disadvantaged businesses, including minority-owned businesses and women-owned businesses, in contracts for the rebuilding of Kuwait.

WALLOP (AND BIDEN) AMENDMENT NO. 894

Mr. HELMS. (for Mr. WALLOP, for himself and Mr. BIDEN) proposed an amendment to the bill S. 1433, supra, as follows:

On page 162, amend from line 4, through page 163, line 23, to read as follows:

"(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

"(1) climate change is a common concern of the international community;

"(2) numerous international declarations stating the importance of addressing global climate change have been adopted with United States support in international meetings;

"(3) all nations need to participate in international responses to climate change;

"(4) extensive scientific research has taken place on global climate change, but further study is needed;

"(5) the lack of full scientific understanding should not be used as a reason for inaction or postponing actions;

"(6) the United States has an obligation to be a progressive force in development of global goals and schedules for reductions in greenhouse gases in an equitable manner by all nations of the world;

"(7) meetings of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change are underway; and

"(8) strong leadership by the United States is crucial to achieving an agreement on framework global climate change convention in time for the United Nations Conference on Environment and Development, to be held in Brazil in June 1992.

"(b) POLICY.—It is the sense of the Senate regarding negotiations taking place in the Intergovernmental Negotiating Committee that the framework convention should seek to provide for commitments by all nations to—

"(1) improved coordination of research activities and monitoring of global climate change;

"(2) adoption of measures that are justified for a variety of reasons and which also have the effect of limiting or adapting to any adverse effects of climate change;

"(3) establishment of national strategies to address climate change and to make public accounting of the elements of such strategy and the effect on net emissions of greenhouse gases;

"(4) establishment of verifiable goals for net reductions of greenhouse gases by all nations in an equitable manner; and

"(5) the development of plans by each country to reach those goals.".

BIDEN AMENDMENT NO. 895

Mr. PELL (for Mr. BIDEN) proposed an amendment to the bill S. 1433, supra, as follows:

At the end of the bill, add the following section:

SEC. 916. MIDDLE EAST SECURITY AND DEMOCRACY.

(a) SHORT TITLE.—This section may be cited as the "Middle East Security and Democracy Initiative Act of 1991".

(b) FINDINGS.—Congress finds that—

(1) United States arms sales policy in the Middle East should be designed to contribute to the stability and security of the region;

(2) in the absence of progress by governments in the region to build institutions that satisfy popular aspirations for democratic rights and economic development, arms sales alone will be insufficient to ensure the stability and security of the region and the defense of United States interests therein; and

(3) accordingly, the United States must pursue a multifaceted policy in the Middle East, emphasizing progress toward political pluralism and economic development within the security environment fostered by a sound arms sales policy.

(c) PRESIDENTIAL CERTIFICATION.—(1) Whenever the President submits to the Congress a numbered certification with respect to an offer to sell, or an application for a license to export, major defense equipment, defense articles, or defense services to a Middle East country under section 36(b)(1) or section 36(c) of the Arms Export Control Act, as the case may be, such certification shall include a report—

(A) analyzing the steps taken by the government of that country to build or maintain institutions that embody democratic principles, unless a certification is made with respect to such country under paragraph (2)(A)(i)(I); and

(B) in the case of any oil exporting country, analyzing the steps taken by the government of that country to invest and contribute, in a manner commensurate with its wealth, to the economic development of the region.

(2) Whenever a numbered certification with respect to a sale or export described in subsection (c)(1) to a Middle East country is submitted to Congress, the President shall include in such certification—

(A)(i) a certification—

(I) that the exercise of governmental power in that country is determined by free and fair elections and that such country is maintaining institutions that embody democratic principles; or

(II) that, in the case of a country that does not qualify for certification under subclause (I), such country has a record of continuing progress with respect to developing institutions that embody democratic principles; and

(ii) in the case of any oil exporting country, a certification that such country has a record of continuing and substantial achievement in making investments and contributions, in amounts commensurate with its wealth, to the economic development of the region; or

(B) a certification that the proposed transfer of such major defense equipment, defense articles, or defense services would serve the national interests of the United States.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms "defense articles", "defense services", and "major defense equipment"

have the meanings given to such terms by paragraphs (3), (4), and (6), respectively, of section 47 of the Arms Export Control Act;

(2) the term "oil exporting country" means a country that exports petroleum extracted within its territory; and

(3) the term "Middle East" means the region which consists of Algeria, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, and Yemen.

HELMS AMENDMENT NO. 896

Mr. HELMS proposed an amendment to the bill S. 1433, supra, as follows:

Strike from page 37, line 24 through page 38, line 24.

BIDEN AMENDMENT NO. 897

Mr. PELL (for Mr. BIDEN) proposed an amendment to the bill S. 1433, supra, as follows:

At the appropriate place in the bill, add the following new section.

SEC. .

At the end of the bill, add the following section:

SEC. 916. REPORT ON CHINESE PROLIFERATION PRACTICES.

(a) REQUIREMENT.—Within 90 days of the enactment of this Act the President shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on "Chinese Nuclear, Chemical, Biological, and Missile Proliferation Practices."

(b) CONTENT.—Such report shall be transmitted in classified and unclassified forms and shall describe all actions and policies of the People's Republic of China which relate to improving the military capabilities of nations in the Middle East and South Asia, including a description of previous and potential future transfers of—

(1) M-series ballistic missile systems, and of technology and assistance related to the production of such missile systems;

(2) technologies capable of producing weapons-grade nuclear material; and

(3) technology and materials needed for the production or use of chemical and biological arms.

(c) SPECIAL REPORT.—At any time that the President determines that the People's Republic of China is preparing to take, or has taken, any action described in subsection (b), he shall so report in writing to Congress.

BROWN AMENDMENT NO. 898

Mr. BROWN proposed an amendment to the bill S. 1433, supra, as follows:

At the appropriate place in the bill, insert the following new section:

"SEC. 917. REPORTS CONCERNING CHINA.

(A) Not later than 45 days prior to the announcement of most-favored-nation trading status for the People's Republic of China, the President shall submit to the chairmen and ranking members of the appropriate congressional committees a report detailing specific progress or lack thereof by the People's Republic of China in the following areas:

(1) HUMAN RIGHTS.—Including—

(a) The surveillance, intimidation and harassment of Chinese citizens living within China because of their prodemocracy activities;

(b) The surveillance, intimidation and harassment of Chinese citizens living within the United States because of their pro-democracy activities with particular focus on those whose passports have been confiscated or not renewed in retaliation for pro-democracy activities.

(c) The use of torture or other cruel, inhuman or degrading treatment or punishment;

(d) Political prisoners, including those in Tibet, still held against their will and those who have received amnesty from the Chinese government for their pro-democracy activities;

(e) Prolonged detention without charges and trials, and sentencing of members of the pro-democracy movement for peaceful demonstrations for democracy;

(f) The use of forced labor of prisoners to produce cheap goods for export to countries, including the United States, in violation of labor treaties and United States law;

(g) The Chinese Government's willingness to permit access for international human rights monitoring groups to prisoners, trials, and places of detention; and

(h) The detention and arrest of religious leaders and members of religious groups, including those under house arrest, detained, or imprisoned as a result of their expressions of religous belief.

(2) WEAPONS PROLIFERATION.—

(a) Exports by the People's Republic of China which relate to improving the military capabilities of nations in the Middle East and South Asia, including a description of previous and potential future transfers of—

(1) M-series ballistic missile systems, and of technology and assistance related to the production of such missile systems;

(2) technologies capable of producing weapons-grade nuclear material; and

(3) technology and materials needed for the production or use of chemical and biological arms;

(b) JOINING ARMS SUPPLIER REGIMES.—The adoption of guidelines and restrictions set forth by—

(1) the Missile Technology Control Regime;

(2) the Australia Group on Chemical and Biological arms proliferation; and

(3) the Nuclear Suppliers Group.

(3) RESTRICTIONS ON TRADE BETWEEN THE UNITED STATES AND CHINA.—Including—

(a) Internal trade barriers to American goods and products, with particular attention paid to those implemented since the Tiananmen Square massacre in 1988;

(b) Regulations established since 1988 to ensure strict control over more than 100 categories of products;

(c) Excessive duties imposed on imports to China;

(d) Excessive licensing requirements for imported goods;

(e) Restrictions on private ownership of property, including capital;

(f) Section 301 violations, including attempts to evade United States import quotas;

(g) Protection for intellectual property.

(B) HISTORICAL BACKGROUND.—The report shall also include—

(1) A compendium of all actions taken by the Chinese government since the Tianamen Square massacre in each of the areas of the report (human rights, arms sales and nuclear proliferation and trade);

(2) A list of all United States actions taken since 1988 to underscore United States concerns about Chinese policies, including consultations and communications encouraging other governments to take similar actions.

(C) CLASSIFIED ANNEX.—The report may include a classified annex detailing Chinese arms sales and nuclear weapons proliferation activities. All other aspects of the report shall be unclassified.

(D) APPROPRIATE CONGRESSIONAL COMMITTEES.—The "appropriate congressional committees" referred to in (A) above shall include the Foreign Relations and Finance Committees of the Senate and the Foreign Affairs and Ways and Means Committees of the House.

GRASSLEY AMENDMENT NO. 899

Mr. BROWN (for Mr. GRASSLEY) proposed an amendment to the bill S. 1433, supra, as follows:

On page 169, after line 12, add the new section:

SEC. 916. REPORT ON TERRORIST ASSETS IN THE UNITED STATES.

(a) Beginning 90 days after the date of enactment of this Act and every 12 months thereafter, the Secretary of the Treasury shall submit to the Committee on Foreign Relations, the Committee on Foreign Affairs, the Committee on Finance and the Committee on Ways and Means, a report describing the nature and extent of assets held in the United States by terrorist countries, nationals of terrorist countries, and any organization or individual engaged in terrorist activities.

(b) (1) For purposes of this section, the term "terrorist countries," refers to countries designated by the Secretary of State under section 40(d) of the Arms Export Control Act.

(2) For purposes of this section, the term "terrorist activities" refers to those activities defined in section 601(a)(B) of the Immigration Act of 1990, Public Law 101-649.

KASTEN AMENDMENT NO. 900

Mr. BROWN (for Mr. KASTEN) proposed an amendment to the bill S. 1433, supra, as follows:

SEC. . AMENDMENTS TO THE FOREIGN SERVICE ACT OF 1980.

(a) SCOPE OF GRIEVANCES.—(1) Section 1101(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4131(a)(1)) (hereinafter in this Act referred to as "the Act") is amended—

(A) by striking "and" at the end of subparagraph (F);

(B) by striking the period at the end of the subparagraph (G) and inserting "; and" and

(C) by adding at the end the following:

"(H) any discrimination prohibited by—

"(i) section 717 of the Civil Rights Act of 1964;

"(ii) section 6(d) of the Fair Labor Standards Act of 1938;

"(iii) section 501 of the Rehabilitation Act of 1973;

"(iv) sections 12 and 15 of the Age Discrimination in Employment Act of 1967; or

"(v) any rule, regulation, or policy directive prescribed under any provision of law described in clauses (i) through (iv)."

(2) Section 1101(b) of the Act (22 U.S.C. 4131(b)) is amended—

(A) in paragraph (4) by striking "section 1109(b)." and inserting "section 1109(a)(2).";

and

(B) by adding at the end (as a flush left sentence) the following:

"Notwithstanding the provisions of subsections (b)(1)-(4), nothing in this subsection or in any other provision of law, shall exclude from the meaning of the term "grievance" under this chapter any act, omission, or condition alleged to be discrimination referred to in subsection (a)(1)(H)."

(b) LIMITATION ON FILING OF CERTAIN GRIEVANCES.—Section 1104(a) of the Act (22 U.S.C. 4134(a)) is amended—

(1) by inserting "under this chapter" before "unless"; and

(2) by adding at the end the following:

"(c) Notwithstanding subsection (a), a grievance based solely on an allegation of prohibited discrimination referred to in subsection 1101(a)(1)(H) is forever barred unless it is filed with the Department within a period of 180 days after the occurrence or occurrences giving rise to the grievance. There shall be excluded from the computation of any such period: (1) any time during which, as determined by the Foreign Service Grievance Board, the grievant was unaware of the grounds for the grievance and could not have discovered such grounds through reasonable diligence and (2) any time during which, as determined by the Foreign Service Grievance Board, the grievant was assigned to a post overseas at which the act, omission, or condition alleged to be discrimination occurred."

(c) SUBSTANTIVE LAW TO BE APPLIED.—Section 1107 of the Act (22 U.S.C. 4137) is amended by adding at the end the following:

"(f) The Board shall, with respect to any grievance based on an allegation of prohibited discrimination referred to in subsection 1101(a)(1)(H), apply the substantive law that would be applied by the Equal Employment Opportunity Commission if a charge or claim alleging such discrimination had been filed with the Commission."

(d) RELATIONSHIP TO OTHER REMEDIES.—(1) Section 1109 of the Act (22 U.S.C. 4139) is amended—

(A) in subsection (a) by striking "(a)" and inserting "(a)(1)";

(B) in subsection (b)—

(i) by striking "(b)" and inserting "(2)";

(ii) by striking "subsection (a)," and inserting "paragraph (1),"; and

(iii) by striking "under this section" and inserting "under this subsection"; and

(iv) by adding after paragraph (2), as so redesignated by clause (i), the following:

"(3) This subsection shall not apply to any grievance with respect to which subsection (b) applies."; and

(C) by adding at the end the following:

"(b)(1) With respect to a grievance based on an allegation of prohibited discrimination referred to in subsection 1101(a)(1)(H), the grievant may either—

"(A) file a written grievance under this chapter, or

"(B) file a written complaint under another provision of law, regulation, or Executive Order that authorizes relief, but not both.

"(2) A grievant shall be considered to have exercised the option under paragraph (1) as soon as the grievant timely either—

"(A) files a written grievance under this chapter, or

"(B) files a written complaint under such other provisions of law, regulation, or Executive Order.".

(2) Section 1015(d) of the Act (22 U.S.C. 4115(d)) is amended by striking "section 1109(b)," and inserting "section 1109(a)(2),".

(e) JUDICIAL REVIEW.—(1) Section 1110 of the Act (22 U.S.C. 4140) is amended by—

(1) striking out "Any" and inserting in lieu thereof "(a) Any";

(2) by adding after the second sentence the following new sentence: "This subsection shall not apply to any grievance with respect to which subsection (b) applies."; and

(3) by adding at the end the following new subsection:

"(b)(1) For purposes of this subsection, the term 'aggrieved party' means a grievant.

"(2) With respect to a grievance based, in whole or in part, on discrimination prohibited under subsection 1101(a)(1)H), a grievant adversely affected or aggrieved by a final order or decision of the Board or the Secretary may obtain judicial review of the order or decision in the district courts of the United States.

"(3) Cases appealed under section (b)(2) shall be filed under section 717(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16(c)), section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)), and section 16(b) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 216(b)), as applicable. Notwithstanding any other provision of law, any such case filed under subsection (b)(2) must be filed no later than 90 days after the date that the aggrieved party received notice of the final action of the Secretary or the Board.

"(4) In any case appealed under subsection (b)(2), the court shall review the record and hold unlawful and set aside any Board or Secretary action, findings, or conclusions in accordance with the procedure and standards set forth in subsection 1110(a) of the Act (22 U.S.C. 4140(a)) and section 706 of title 5, United States Code, except that the aggrieved party shall have the right to have the facts subject to trial de novo by the court reviewing the order or decision."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act.

BIDEN (AND OTHERS) AMENDMENT NO. 901

Mr. KERRY (for Mr. BIDEN, for himself, Mr. HELMS, and Mr. LUGAR) proposed an amendment to the bill S. 1433, supra, as follows:

On page 108, delete lines 13 through 25 and substitute in lieu thereof the following:

SEC. 303. POLICY ON RADIO FREE EUROPE.

(a) FINDINGS.—Congress finds that Radio Free Europe—

(1) by providing valuable information to the people of Eastern Europe, played a critical role for four decades in helping to foster and sustain the aspiration for democracy in that region;

(2) can and should continue to disseminate reliable and timely information to the people of Eastern Europe not only during the period of transition to democracy, but also while democratic institutions are strengthened; and

(3) has been praised by the current democratic leaders in Eastern Europe as an important contributor to public knowledge and the free flow of information during the consolidation of Eastern Europe's new democracies.

(b) POLICY.—It is the sense of the Congress that Radio Free Europe should continue to broadcast to nations throughout Eastern Europe and should not curtail its broadcasts to any nation until—

(1) new sources of timely and accurate domestic and international information have supplanted and rendered redundant the broadcasts of Radio Free Europe to that nation; and

(2) a pattern of free and fair elections in that nation has clearly demonstrated the successful establishment and consolidated of democratic rule.

MURKOWSKI AMENDMENT NO. 902

Mr. KERRY (for Mr. MURKOWSKI) proposed an amendment to the bill S. 1433, supra, as follows:

To be inserted in the bill as Sec. 142(b)(3).

(3) In the preparation of such plan, the Secretary shall insure that detailed consideration be given at least three construction options: viz, full teardown and rebuild, four floor "top hat" in which two floors are removed from the unfinished New Office Building and four floors added, and a two floor "top hat" in which no floors are removed but two are added.

HELMS AMENDMENT NO. 903

Mr. HELMS proposed an amendment to amendment No. 902 proposed by Mr. KERRY (for Mr. MURKOWSKI) to the bill S. 1433, supra; as follows:

At the end of the pending amendment, add the following:

"It is the Sense of the Senate that, pursuant to its constitutional responsibilities of advice and consent in respect to treaties, the Senate requests that before submitting to the Senate for its advice and consent to ratification a Strategic Arms Reduction Treaty, the President provide:

"A classified report with an unclassified summary to the Senate on whether the SS-23 INF missiles of Soviet manufacture, which the Soviets have confirmed have existed in the territories of the former East Germany, Czechoslovakia, and Bulgaria, constitute a violation of the INF Treaty or constitute deception in the INF negotiations, and whether the United States has reliable assurances that the missiles will be destroyed.".

BROWN (AND HELMS) AMENDMENT NO. 904

Mr. BROWN (for himself and Mr. HELMS) proposed an amendment to the bill S. 1433, supra, as follows:

On page 169, after line 12, add the following new section:

SEC. 916. CONDITIONS ON NEW LOANS FOR COUNTRIES WHOSE DEBT HAS BEEN REDUCED.

(a) CERTAIN ADDITIONAL LOANS PROHIBITED.—No government of a Latin American or Caribbean country for which the United States has reduced any debt described in subsection (b) shall be eligible for any loan authorized pursuant to the Foreign Assistance Act of 1961 for a period of up to five years from the date that the debt reduction has been initiated and, then, such country is eligible for such a loan only if the President has certified to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that such country has the ability to repay the loan throughout the term of the loan.

(b) DEBT COVERED.—The debts referred in subsection (a) are the amounts owed to the United States (or any agency of the United States) that are outstanding as of January 1, 1991, as a result of concessional loans made by the United States (or any agency of the United States) pursuant to the Foreign Assistance Act of 1961 (or any predecessor foreign economic assistance law) by any Latin American or Caribbean country.

(c) SUPERSEDING OTHER PROVISIONS OF LAW.—The provisions of this section supersede any other provision of law.

BRADLEY AMENDMENT NO. 905

Mr. BRADLEY proposed an amendment to the bill S. 1433, supra, as follows:

On page 92, between lines 10 and 11, insert the following:

SEC. 226. ENDOWMENT.

(a) ESTABLISHMENT OF FEDERAL ENDOWMENT—The Director is authorized to establish an Endowment Fund (hereafter in this section referred to as the "Fund"), in accordance with the provisions of this section, to support an exchange program among secondary school students from the United States and secondary school students from former Warsaw Pact countries in Eastern Europe, including from the territory formerly known as East Germany. The Secretary may enter into such agreements as may be necessary to carry out the purposes of this section.

(b) TRANSFER.—

(1) APPROPRIATIONS AND OTHER AVAILABLE FUNDS.—The Secretary shall transfer to the Fund the amounts appropriated pursuant to the authority of subsection (f) and any other funds available to carry out the exchange program assisted under this section.

(2) GIFTS.—(A) The Secretary is authorized to accept, use, and dispose of gifts of donations of services or property to carry out the provisions of this section.

(B) Any funds received by the Secretary pursuant to subparagraph (A) shall be transferred to the Fund.

(3) IN GENERAL.—The Secretary, in investing the endowment fund corpus and income, shall exercise the judgment and care, under the prevailing circumstances, which a person of prudence, discretion, and intelligence would exercise in the management of that person's own business affairs.

(4) SPECIAL RULE.—The Fund corpus and income shall be invested in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, or other low-risk instruments and securities.

(d) WITHDRAWALS AND EXPENDITURES.—The Secretary may withdraw or expand funds from the Fund for any expenses necessary to carry out the exchange program described in subsection (a).

(e) DEFINITIONS.—For the purposes of this section—

(1) the term "secondary school" has the same meaning given to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965; and

(2) the term "Director" means the Director of the United States Information Agency.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $4,000,000 to carry out the provisions of this section. Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expended.

KERRY AMENDMENT NO. 906

Mr. KERRY proposed an amendment to the bill S. 1433, supra, as follows:

At the appropriate place in the bill, add the following new section:

SEC. . Not later than 90 days after enactment of this Act, the Department of State shall submit to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives, a report on the need for the establishment of a mechanism to compensate employees of the Department of State who have legitimate claims resulting from loss of personal property under circumstances set forth in Military Personnel and Civilian Employees Claims Act of 1964, as amended (31 U.S.C. 3721c), and whose losses exceed the amounts covered in such Act. This report shall include legislative recommendations, if necessary, to implement these recommendations. Losses covered by this report shall include legitimate claims for losses incurred in Mogadishu, Somalia.

McCAIN (AND OTHERS) AMENDMENTS NO. 907 AND 908

Mr. McCAIN (for himself, Mr. KERRY, and Mr. SMITH) proposed two amendments to the bill S. 1433, supra, as follows:

AMENDMENT NO. 907

Beginning on page 119, line 20, strike all through page 121, line 9, and insert lieu thereof the following:

SEC. 621. POLICY ON RELATIONS BETWEEN THE UNITED STATES AND VIETNAM AND CAMBODIA.

(a) FINDINGS.—The Congress finds that—

(1) it is United States' policy to promote democracy and open, competitive markets in a world community increasingly receptive to such ideas;

(2) the presence of American citizens, media, and commodities helped to foster the emergence of democracy and free market systems within East European nations and among East European citizens in their struggle against Communist rule;

(3) it is a priority of United States policy to resolve finally the nearly 2,300 missing-in-action (MIA) and prisoner-of-war (POW) cases from the Vietnam war;

(4) direct contact with, and increased access by American citizens in Vietnam through humanitarian and business endeavors could serve to assist in the resolution of POW/MIA cases through increased access to Vietnam;

(5) the Cambodian people confront a continuing threat from the Khmer Rouge and a severe economic crisis including shortages of food, fuel and fertilizer; and

(6) the United States has maintained a complete economic embargo against Vietnam and Cambodia since April 1975, prohibiting all United States financial transactions involving citizens of Vietnam;

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—the goals of United States policy in Vietnam and Cambodia would be advanced by fully normalizing relations diplomatic and economic with Vietnam and Cambodia;

(2) the scope and pace of relations are affected by Vietnam's cooperation in achieving the fullest possible accounting for Americans still classified as missing-in-action (MIA) or prisoner-of-war (POW) in Southeast Asia, by Vietnam's cooperation in achieving a peaceful political settlement of the Cambodian conflict and by the release from reeducation camps of former political and military officials of South Vietnam and Vietnamese who were formerly in the employ of the United States; and

(3) cooperation includes the Government of Vietnam's agreement to grant full and complete access to the United States Joint Casualty Resolution Center Teams in Hanoi, Vietnam, for the investigation of all American prisoner-of-war discrepancy cases, to grant access to the United States upon the specific request of the United States to certain prison and reeducation facilities in Vietnam which may pertain to the fate of American prisoners-of-war, to provide the United States with full and complete access to historical records which may pertain to American prisoners-of-war and missing-in-action in the Vietnam war, and to a time table for the excavation of all remaining crash sites in Vietnam which may pertain to United States military personnel unaccounted for in the Vietnam conflict era;

AMENDMENT NO. 908

Beginning on page 119, line 20, strike all through page 121, line 9, and insert lieu thereof the following:

SEC. 621. POLICY ON RELATIONS BETWEEN THE UNITED STATES AND VIETNAM AND CAMBODIA.

(a) FINDINGS.—The Congress finds that—

(1) it is United States' policy to promote democracy and open, competitive markets in a world community increasingly receptive to such ideals;

(2) the presence of American citizens, media, and commodities helped to foster the emergence of democracy and free market systems within East European nations and among East European citizens in their struggle against Communist rule;

(3) it is a priority of United States policy to resolve finally the nearly 2,300 missing-in-action (MIA) and prisoner-of-war (POW) cases from the Vietnam war;

(4) direct contact with, and increased access by American citizens in Vietnam through humanitarian and business endeavors could serve to assist in the resolution of POW/MIA cases through increased access to Vietnam;

(5) the Cambodian people confront a continuing threat from the Khmer Rouge and a severe economic crisis including shortages of food, fuel and fertilizer; and

(6) the United States has maintained a complete economic embargo against Vietnam and Cambodia since April 1975, prohibiting all United States financial transactions involving citizens of Vietnam;

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—the goals of United States policy in Vietnam and Cambodia would be advanced by fully normalizing relations diplomatic and economic with Vietnam and Cambodia; Provided that

(2) the scope and pace of relations with Vietnam are affected by Vietnam's cooperation in achieving the fullest possible accounting for Americans still classified as missing-in-action (MIA) or prisoner-of-war (POW) in Southeast Asia, by Vietnam's cooperation in achieving a peaceful political settlement of the Cambodian conflict and by the release from reeducation camps of former political and military officials of South Vietnam and Vietnamese who were formerly in the employ of the United States; and

(3) cooperation includes the Government of Vietnam's agreement to grant full and complete access to the United States Joint Casualty Resolution Center Teams in Hanoi, Vietnam, for the investigation of all American prisoner-of-war discrepancy cases, to grant access to the United States upon the specific request of the United States to certain prison and reeducation facilities in Vietnam which may pertain to the fate of American prisoners-of-war, to provide the United States with full and complete access to historical records which may pertain to American prisoners-of-war and missing-in-action in the Vietnam war, and to a time table for the excavation of all remaining crash sites in Vietnam which may pertain to United States military personnel unaccounted for in the Vietnam conflict era;

DOLE (AND PELL) AMENDMENT NO. 909

Mr. DOLE (for himself and Mr. PELL) proposed an amendment to the bill S. 1433, supra, as follows:

At the appropriate place in the bill, insert the following section:

SEC. . PROVISION FOR DIRECT UNITED STATES ASSISTANCE TO AND TRADE RELATIONS WITH DEMOCRATIC GOVERNMENTS AT THE REPUBLIC LEVEL.

An essential purpose of United States foreign assistance is to foster the development of democratic institutions and free enterprise systems. Stable economic growth, fostered by free enterprise and free trade, is also important to the development of democratic institutions. In regard to those nations which are in transition from communism to democracy, it is the policy of the United States, to the extent feasible and consistent with United States national interest, to provide foreign aid to, and to encourage expanded trade with, democratic governments at the republic level that exist within countries which include a ruling communist majority in other republic governments and/or at the Federal level.

GORTON AMENDMENT NO. 910

Mr. GORTON proposed an amendment to the bill S. 1433, supra, as follows:

At the appropriate place in the bill, insert the following:

Findings: All individuals are endowed with the unalienable rights of Life, Liberty, and the pursuit of Happiness;

The powers of government are derived from the consent of the governed;

It is the role of government to protect and foster these rights;

It is the duty of the people to abolish governments destructive of these rights;

In the course of human events, it may become necessary to dissolve political bands which connect one people with another; and

The Government of Yugoslavia, among others, has denied its people these fundamental rights and used its armed forces to attack and kill its own citizens.

Therefore, it is the sense of the Senate that the United States, in accord with the the philosophy of the Declaration of Indepdence, support the right of the people of Slovenia and Croatia to establish new governments that honor the unalienable rights of all of their citizens.

UNEMPLOYMENT COMPENSATION EXTENSION ACT

KASTEN AMENDMENT NO. 911

(Ordered to lie on the table.)

Mr. KASTEN submitted an amendment intended to be proposed by him to the bill S. 1554, supra, as follows:

At the end of the bill insert the following new title:

TITLE —PLANT OPENING AND JOB CREATION INCENTIVES

SEC. . SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the "Plant Opening Act of 1991".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—General Tax Incentives

SEC. . REDUCTION IN CAPITAL GAINS TAX RATE.

(a) IN GENERAL.—Section 1201 (relating to alternative tax for corporations) is amended to read as follows:

"SEC. 1201. ALTERNATIVE TAX.

"If for any taxable year a taxpayer has a net capital gain, then, in lieu of the tax imposed by sections 1, 11, 511, 821(a) or (c), and 831(a), there is hereby imposed a tax (if such tax is less than the tax imposed by such sections) which shall consist of the sum of—

"(1) a tax computed on the taxable income reduced by the amount of the net capital gain, at the rates and in the manner as if this subsection had not been enacted, plus

"(2) a tax of 15 percent of the net capital gain."

(c) REDUCTION IN MINIMUM TAX RATE ON CAPITAL GAINS.—Paragraph (1) of section 55(b) is amended by adding at the end thereof the following new sentence:

"To the extent the excess referred to in subparagraph (A) does not exceed the net capital gain for the taxable year (determined with the adjustments of this part), subparagraph (A) shall be applied by substituting '15 percent' for the percentages set forth in subparagraph (A)."

(d) CONFORMING AMENDMENTS.—

(1) Subsection (j) of section 1 is hereby repealed.

(2) The table of sections for part I of subchapter P of chapter 1 is amended by striking the item relating to section 1201 and inserting the following:

"Sec. 1201. Alternative tax."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1987.

SEC. . REINSTATEMENT OF EDUCATIONAL ASSISTANCE EXCLUSION.

(a) GENERAL RULE.—Section 127 (relating to educational assistance programs) is amended by striking subsection (d) and by redesignating subsection (e) as subsection (d).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1991.

SEC. . ELIMINATION OF 1990 INCREASE IN SOCIAL SECURITY TAXES.

(a) EMPLOYMENT TAXES.—

(1) Subsection (a) of section 3101 (relating to rate of tax on employees) is amended by striking the last 2 items in the table and inserting the following:

"1988 or thereafter ..... 6.06 percent."

(2) Subsection (c) of section 3111 (relating to rate of tax on employers) is amended by striking the last 2 items in the table and inserting the following:

"1988 or thereafter ..... 6.06 percent."

(b) SELF-EMPLOYMENT TAX.—Subsection (a) of section 1401 (relating to rate of tax) is amended by striking the last 2 items in the table and inserting the following:

"December 31, 1987 ..... 12.12 percent."

Subtitle B—Enterprise Zones

SEC. . SHORT TITLE.

This subtitle may be cited as the "Enterprise Zone Development and Employment Act of 1991".

SEC. . PURPOSES.

It is the purpose of this subtitle to provide for the establishment of enterprise zones in order to stimulate the creation of new jobs, particularly for disadvantaged workers and long-term unemployed individuals, and to promote revitalization of economically distressed areas primarily by providing or encouraging—

(1) tax relief at the Federal, State, and local levels;

(2) regulatory relief at the Federal, State, and local levels; and

(3) improved local services and an increase in the economic stake of enterprise zone residents in their own community and its development, particularly through the increased involvement of private, local, and neighborhood organizations.

PART I—DESIGNATION OF ENTERPRISE ZONES

SEC. . DESIGNATION OF ZONES.

(a) GENERAL RULE.—Chapter 80 (relating to general rules) is amended by adding at the end thereof the following new subchapter:

"Subchapter D—Designation of Enterprise Zones

"Sec. 7881. Designation.

"SEC. 7881. DESIGNATION.

"(a) DESIGNATION OF ZONES.

"(1) DEFINITIONS.—For purposes of this title, the term 'enterprise zone' means any area—

"(A) which is nominated by one or more local governments and the State or States in which it is located for designation as an enterprise zone (hereinafter in this section referred to as a 'nominated area'), and

"(B) which the Secretary of Housing and Urban Development, after consultation with—

"(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury; the Director of the Office of Management and Budget; and the Administrator of the Small Business Administration, and

"(ii) in the case of an area on an Indian reservation, the Secretary of the Interior,

designates as an enterprise zone.

"(2) NUMBER OF DESIGNATIONS.—

"(A) IN GENERAL.—The Secretary of Housing and Urban Development may designate not more than 100 nominated areas as enterprise zones.

"(B) MINIMUM DESIGNATION IN RURAL AREAS.—Of the areas designated under clause (i), at least one-fourth must be areas—

"(i) which are within a local government jurisdiction or jurisdictions with a population of less than 50,000 (as determined under the most recent census data available),

"(ii) which are outside of a metropolitan statistical area (within the meaning of section 143(k)(2)(B)), or

"(iii) which are determined by the Secretary of Housing and Urban Development, after consultation with the Secretary of Commerce, to be rural areas.

"(3) AREAS DESIGNATED BASED SOLELY ON DEGREE OF POVERTY, ETC.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary of Housing and Urban Development shall designate those nominated areas with the highest average ranking with respect to the criteria described in subparagraphs (C), (D), (E), and (F) of subsection (c)(3). For purposes of the preceding sentence, an area shall be ranked within each such criterion on the basis of the amount by which the area exceeds such criterion, with the area which exceeds such cri-

terion by the greatest amount given the highest ranking.

"(B) EXCEPTION WHERE INADEQUATE COURSE OF ACTION, ETC.—An area shall not be designated under subparagraph (A) if the Secretary of Housing and Urban Development determines that the course of action with respect to such area is inadequate.

"(C) SEPARATE APPLICATION TO RURAL AND OTHER AREAS.—Subparagraph (A) shall be applied separately with respect to areas described in paragraph (2)(B) and to other areas.

"(4) LIMITATION ON DESIGNATIONS.—

"(A) PUBLICATION OF REGULATIONS.—Before designating any area as an enterprise zone, the Secretary of Housing and Urban Development shall prescribe by regulation no later than 4 months following the enactment of this section, after consultation with the officials described in paragraph (1)(B)—

"(i) the procedures for nominating an area under paragraph (1)(A),

"(ii) the parameters relating to the size and population characteristics of an enterprise zone, and

"(iii) the manner in which nominated areas will be evaluated based on the criteria specified in subsection (d).

"(B) TIME LIMITATIONS.—The Secretary of Housing and Urban Development shall designate nominated areas as enterprise zones only during the 24-month period beginning on the later of—

"(i) the first day of the first month following the month in which the effective date of the regulations described in subparagraph (A) occurs, or

"(ii) July 1, 1989.

"(C) PROCEDURAL RULES.—The Secretary of Housing and Urban Development shall not make any designation under paragraph (1) unless—

"(i) the local governments and the State in which the nominated area is located have the authority—

"(I) to nominate such area for designation as an enterprize zone,

"(II) to make the State and local commitments under subsection (d), and

"(III) to provide assurances satisfactory to the Secretary of Housing and Urban Development that such commitments will be fulfilled,

"(ii) a nomination therefor is submitted in such a manner and in such form, and contains such information, as the Secretary of Housing and Urban Development shall by regulation prescribe,

"(iii) the Secretary of Housing and Urban Development determines that any information furnished is reasonably accurate, and

"(iv) the State and local governments certify that no portion of the area nominated is already included in an enterprise zone or in an area otherwise nominated to be an enterprise zone.

"(5) NOMINATION PROCESS FOR INDIAN RESERVATIONS.—In the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be deemed to be both the State and local governments with respect to such area.

"(b) PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—

"(1) IN GENERAL.—Any designation of an area as an enterprise zone shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

"(A) December 31 of the 24th calendar year following the calendar year in which such date occurs,

"(B) the termination date designated by the State and local governments as provided for in their nomination pursuant to subsection (a)(4)(C)(ii), or

"(C) the date the Secretary of Housing and Urban Development revokes such designation under paragraph (2).

"(2) REVOCATION OF DESIGNATION.—The Secretary of Housing and Urban Development may after—

"(A) consultation with the officials described in subsection (a)(1)(B), and

"(B) a hearing on the record involving officials of the State or local government involved,

revoke the designation of an area if the Secretary of Housing and Urban Development determines that the local government or the State in which it is located is not complying substantially with the State and local commitments pursuant to subsection (d).

"(c) AREA AND ELIGIBILITY REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development may make a designation of any nominated area under subsection (a)(1) only if it meets the requirements of paragraphs (2) and (3).

"(2) AREA REQUIREMENTS.—A nominated area meets the requirements of this paragraph if—

"(A) the area is within the jurisdiction of the local government,

"(B) the boundary of the area is continuous, and

"(C) the area—

"(i) has a population, as determined by the most recent census data available, of at least—

"(I) 4,000 if any portion of such area (other than a rural area described in subsection (a)(2)(B)(i)) is located within a metropolitan statistical area (within the meaning of section 103A(1)(4)(B)) with a population of 50,000 or greater, or

"(II) 1,000 in any other case, or

"(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

"(3) ELIGIBILITY REQUIREMENTS.—For purposes of paragraph (1), a nominated area meets the requirements of this paragraph if the State and local governments in which it is located certify and the Secretary of Housing and Urban Development, after such review of supporting data as he deems appropriate, accepts such certification, that—

"(A) the area is one of pervasive poverty, unemployment, and general distress,

"(B) the area is located wholly within the jurisdiction of a local government which is eligible for Federal assistance under section 119 of the Housing and Community Development Act of 1974, as in effect on the date of the enactment of this section,

"(C) the unemployment rate, as determined by the appropriate available data, was at least 1½ times the national unemployment rate for that period,

"(D) the poverty rate (as determined by the most recent census data available) for each populous census tract (or where not tracted, the equivalent county division as defined by the Bureau of the Census for the purpose of defining poverty areas) within the area was at least 20 percent for the period to which such data relate,

"(E) at least 70 percent of the households living in the area have incomes below 80 percent of the median income of households of the local government (determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974), and

"(F) the population of the area decreased by 20 percent or more between 1970 and 1980 (as determined from the most recent census available).

"(d) REQUIRED STATE AND LOCAL COMMITMENTS.—

"(1) IN GENERAL.—No nominated area shall be designated as an enterprise zone unless the local government and the State in which it is located agree in writing that, during any period during which the area is an enterprise zone, such governments will follow a specified course of action designated to reduce the various burdens borne by employers or employees in such area. A course of action shall not be treated as meeting the requirements of this paragraph unless the course of action include provisions described in at least 4 of the subparagraphs of paragraph (2).

"(2) COURSE OF ACTION.—The course of action under paragraph (1) may be implemented by both such governments and private nongovernmental entities, may be funded from proceeds of any Federal program, and may include, but is not limited to—

"(A) a reduction of tax rates or fees applying within the enterprise zone,

"(B) an increase in the level of efficiency of local services within the enterprise zone; for example, crime prevention (particularly through experimentation with providing such services by nongovernmental entities),

"(C) actions to reduce, remove, simplify, or streamline governmental requirements applying within the enterprise zone,

"(D) involvement in the program by private entities, organizations, neighborhood associations, and community groups, particularly those within the nominated area, including a commitment from such private entities to provide jobs and job training for, and technical, financial, or other assistance to, employers, employees, and residents of the nominated area,

"(E) the allowance of a deduction from State or local income taxes for fees paid or accrued for services performed by a nongovernmental entity but which were formerly performed by a governmental entity,

"(F) the giving of special preference to contractors owned and operated by members of any minority, and

"(G) the gift (or sale at below fair market value) of surplus land in the enterprise zone to neighborhood organizations agreeing to operate a business on the land.

"(3) RECOGNITION OF PAST EFFORTS.—In evaluating courses of action agreed to by any State or local government, the Secretary of Housing and Urban Development shall take into account the past efforts of such State or local government in reducing the various burdens borne by employers and employees in the area involved.

"(e) DEFINITIONS.—For the purposes of this title—

"(1) GOVERNMENTS.—If more than one government seeks to nominate an area as an enterprise zone, any reference to, or requirement of, this section shall apply to all such governments.

"(2) STATE.—The term 'State' shall also include Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other possession of the United States.

"(3) LOCAL GOVERNMENT.—The term 'local government' means—

"(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State,

"(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development, and

"(C) the District of Columbia."

(b) CONFORMING AMENDMENT.—The table of subchapters for chapter 80 is amended by adding at the end thereof the following new item:

"Subchapter D. Designation of Enterprise Zones."

SEC. . EVALUATION AND REPORTING REQUIREMENTS.

Not later than the close of the fourth calendar year after the year in which the Secretary of Housing and Urban Development first designates areas as enterprise zones, and at the close of each fourth calendar year thereafter, the Secretary of Housing and Urban Development shall prepare and submit to the Congress a report on the effects of such enterprise zones' designation in accomplishing the purposes of this Act.

SEC. . INTERACTION WITH OTHER FEDERAL PROGRAMS.

(a) TAX REDUCTIONS.—Any reduction of taxes under any required program of State and local commitment under section 7881(d) of the Internal Revenue Code of 1986 shall be disregarded in determining the eligibility of a State or local government for, or the amount or extent of, any assistance or benefits under any law of the United States.

(b) COORDINATION WITH RELOCATION ASSISTANCE.—The designation of an enterprise zone under section 7881 of the Internal Revenue Code of 1986 shall not—

(1) constitute approval of a Federal or federally assisted program or project (within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601)), or

(2) entitle any person displaced from real property located in such zone to any rights or any benefits under such Act.

(c) ENTERPRISE ZONES TREATED AS LABOR SURPLUS AREAS.—Any area which is designated as an enterprise zone under section 7881 of the Internal Revenue Code of 1986 shall be treated for all purposes under Federal law as a labor surplus area.

PART II—FEDERAL INCOME TAX INCENTIVES

Subpart A—Credits for Employers and Employees

SEC. . CREDIT FOR ENTERPRISE ZONE EMPLOYERS.

(a) CREDIT FOR INCREASED ENTERPRISE ZONE EMPLOYMENT AND EMPLOYMENT OF DISADVANTAGED WORKERS.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by inserting after section 29 the following new section:

"SEC. 30. CREDIT FOR ENTERPRISE ZONE EMPLOYMENT.

"(a) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) 10 percent of the qualified increased employment expenditures of the taxpayer for the taxable year, and

"(2) the economically disadvantaged credit amount of the taxpayer for such taxable year.

"(b) LIMITATIONS BASED ON AMOUNT OF TAX.—

"(1) IN GENERAL.—The credit allowed by subsection (a) for a taxable year shall not exceed the excess (if any) of—

"(A) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 28, and 29, over

"(B) the tentative minimum tax for the taxable year.

"(2) CARRYBACK AND CARRYOVER OF UNUSED CREDIT.—

"(A) ALLOWANCE OF CREDIT.—If the amount of the credit determined under this section for any taxable year exceeds the limitation provided by paragraph (1) for such taxable year (hereinafter in this paragraph referred to as the 'unused credit year'), such excess shall be—

"(i) an enterprise zone employment credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(ii) an enterprise zone employment credit carryover to each of the 15 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit by this section for such years. If any portion of such excess is a carryback to a taxable year beginning before January 1, 1989, this section shall be deemed to have been in effect for such taxable year for purposes of allowing such carryback as a credit under this section. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 18 taxable years to which (by reason of clauses (i) and (ii)) such credit may be carried, and then to each of the other 17 taxable years to the extent that, because of the limitation contained in subparagraph (B), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(B) LIMITATION.—The amount of the unused credit which may be added under subparagraph (A) for any preceding or succeeding taxable year shall not exceed the amount by which the limitation provided by paragraph (1) for such taxable year exceeds the sum of—

"(i) the credit allowable under this section for such taxable year, and

"(ii) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year.

"(c) QUALIFIED INCREASED EMPLOYMENT EXPENDITURES DEFINED.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified increased employment expenditures' means the excess of—

"(A) the qualified wages paid or incurred by the employer during the taxable year to qualified employees with respect to all enterprise zones, over

"(B) the base period wages of the employer with respect to all such zones.

"(2) LIMITATIONS AS TO QUALIFIED WAGES TAKEN INTO ACCOUNT.—

"(A) DOLLAR AMOUNT.—The amount of any qualified wages taken into account under paragraph (1) for any taxable year with respect to any qualified employee may not exceed 2.5 times the dollar limitation in effect under section 3306(b)(1) for the calendar year with or within which such taxable year ends.

"(B) APPLICATION WITH ECONOMICALLY DISADVANTAGED CREDIT AMOUNT.—Qualified wages shall not be taken into account under paragraph (1) if such wages are taken into account in determining the economically disadvantaged credit amount under subsection (d).

"(3) BASE PERIOD WAGES.—

"(A) IN GENERAL.—The term 'base period wages' means, with respect to any enterprise zone, the amount of wages paid to employees during the 12-month period preceding the date on which the enterprise zone was designated as such under section 7881, or the date on which the enterprise zone is designated under State law, enacted after January 1, 1981, if earlier, which would have been qualified wages paid to qualified employees if such designation had been in effect for such period.

"(B) RULES OF SPECIAL APPLICATION.—For purposes of subparagraph (A)—

"(i) subsection (f)(1) shall be applied by substituting '12-month period' for 'taxable year' each place it appears, and

"(ii) the dollar limitation taken into account under paragraph (2) in computing qualified wages shall be the amount in effect for taxable year for which the amount of the credit under subsection (a) is being computed.

"(d) ECONOMICALLY DISADVANTAGED CREDIT AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'economically disadvantaged credit amount' means the sum of the applicable percentage of qualified wages paid to each qualified economically disadvantaged individual.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means, with respect to any qualified economically disadvantaged individual, the percentage determined in accordance with the following table:

"If the qualified wages are paid for services performed during:	The applicable percentage is:
The first 3 years after starting date	50
The 4th year after the starting date	40
The 5th year after the starting date	30
The 6th year after the starting date	20
The 7th through 20th year after the starting date	10
The 21st year after the starting date or later	0

"(3) STARTING DATE; BREAKS IN SERVICE.—For purposes of this subsection—

"(A) STARTING DATE.—The term 'starting date' means the day which the qualified economically disadvantaged individual begins work for the employer within an enterprise zone.

"(B) BREAKS IN SERVICE.—The periods described in the table under paragraph (2) (other than the first such period) shall be extended by any period of time during which the individual is unemployed, and by any period of time during which the individual is employed by a taxpayer in an enterprise zone designated under State law enacted after January 1, 1981, if such designation occurs prior to the designation of the enterprise zone under section 7881.

"(e) QUALIFIED WAGES DEFINED.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'qualified wages' has the meaning given to the term 'wages' by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section).

"(2) REDUCTION FOR CERTAIN FEDERALLY FUNDED PAYMENTS.—For purposes of this section the wages paid or incurred by an employer for any period shall not include the amount of any Federally funded payments the employer receives or is entitled to receive for on-the-job training of such individual for such period.

"(3) SPECIAL RULES FOR AGRICULTURAL AND RAILWAY LABOR.—Under regulations prescribed by the Secretary, rules similar to the rules of section 51(h) shall apply with respect to services described in subparagraphs (A) and (B) of section 51(h)(1).

"(f) QUALIFIED EMPLOYEE DEFINED.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified employee' means an individual—

"(A) at least 90 percent of whose services for the employer during the taxable year are directly related to the conduct of the employer's trade or business located in an enterprise zone, and

"(B) who performs at least 50 percent of his services for the employer during the taxable year in an enterprise zone.

"(2) EXCEPTION FOR INDIVIDUALS WITH RESPECT TO WHOM CREDIT IS DETERMINED UNDER SECTION 51(A).—The term 'qualified employee' shall not include an individual with respect to whom any credit for the employer is determined under section 51(a) for the taxable year (relating to targeted jobs credit).

"(g) QUALIFIED ECONOMICALLY DISADVANTAGED INDIVIDUAL.—

"(1) For purposes of this section, the term 'qualified economically disadvantaged individual' means an individual—

"(A) who is a qualified employee,

"(B) who is hired by the employer during the period a designation under section 7881 is in effect for the area in which the services which qualify such individual as a qualified employee are performed, and

"(C) who is certified as—

"(i) an economically disadvantaged individual,

"(ii) an eligible work incentive employee (within the meaning of section 51(d)(9)), or

"(iii) a general assistance recipient (within the meaning of section 51(d)(6)).

"(2) ECONOMICALLY DISADVANTAGED INDIVIDUAL.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'economically disadvantaged individual' means any individual who is certified by the designated local agency as being a member of a family that had a combined family income (including the cash value of food stamps) during the 6 months preceding the month in which such determination occurs that on an annual basis, was equal to or less than the sum of—

"(i) the highest amount which would ordinarily be paid to a family of the same size without any income or resources in the form of payments for aid to families with dependent children under the State plan approved under part A of title IV of the Social Security Act for the State in which such individual resides, plus,

"(ii) the highest cash value of the food stamps to which a family of the same size without any income or resources would be paid aid to families with dependent children under such State plan in the amount determined under clause (i).

Any such determination shall be valid for the 45-day period beginning on the date such determination is made.

"(B) SPECIAL RULE FOR FAMILIES WITH ONLY 1 INDIVIDUAL.—For purposes of clause (i) of subparagraph (A), in the case of a family consisting of only one individual, the 'highest amount which would ordinarily be paid' to such family under the State's plan approved under part A of title IV of the Social Security Act shall be an amount determined by the designated local agency on the basis of a reasonable relationship to the amounts payable under such plan to families consisting of two or more persons.

"(3) CERTIFICATION.—Certification of an individual as an individual described in paragraph (1)(C) shall be made in the same manner as certification under section 51.

"(h) SPECIAL RULES.—For purposes of this section—

"(1) APPLICATION TO CERTAIN ENTITIES, ETC.—Under regulations prescribed by the Secretary, rules similar to the rules of section 52 (other than subsection (b) thereof) and section 41(f)(3) shall apply.

"(2) PERIODS OF LESS THAN A YEAR.—If designation of an area as an enterprise zone under section 7871 occurs, expires, or is revoked on a date other than the first or last day of the taxable year of the taxpayer, or in the case of a short taxable year—

"(A) the limitation specified in subsection (c)(2)(A), and the base period wages determined under subsection (c)(3), shall be adjusted on a pro rata basis (based upon the number of days), and

"(B) the reduction specified in subsection (e)(2) and the 90 percent and 50 percent tests set forth in subsection (f)(1) shall be determined by reference to the portion of the taxable year during which the designation of the area as an enterprise zone is in effect.

"(i) PHASEOUT OF CREDIT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), in determining the amount of the credit for a taxable year under subsection (a) with respect to qualified wages paid or incurred for services performed in an enterprise zone—

"(A) the following percentages shall be substituted for '10 percent' in subsection (a)(1):

"(i) 7.5 percent in the earlier of—

"(I) the taxable year which includes the date which is 21 years after the date on which such enterprise zone was designated under section 7881, or

"(II) the taxable year which includes the date which is 4 years before the date (if any) on which such enterprise zone ceases to be a zone under section 7881(b)(1)(B),

"(ii) 5 percent in the next succeeding taxable year,

"(iii) 2.5 percent in the second next succeeding taxable year, and

"(iv) zero thereafter, and

"(B) the amount determined under subsection (a)(2) shall be reduced by—

"(i) 25 percent in the case of the taxable year described in paragraph (1)(A),

"(ii) 50 percent in the next succeeding taxable year,

"(iii) 75 percent in the second next succeeding taxable year, and

"(iv) 100 percent thereafter.

"(2) REVOCATION OF DESIGNATION.—If the designation of an area as an enterprise zone is revoked under section 7881(b)(2), such area shall continue to be treated as an enterprise zone for the period of 3 taxable years beginning after the date of such revocation except that only the allowable percentage of the amount of the credit which would (but for this paragraph) be allowable under this section for such a year shall be allowed. For purposes of the preceding sentence, the term 'allowable percentage' means the amount determined in accordance with the following table:

"If the taxable year beginning after the revocation is:	The allowable percentage is:
The first such year	75
The second such year ..	50
The third such year	25.

"(j) EARLY TERMINATION OF EMPLOYMENT BY EMPLOYER IN CASE OF QUALIFIED ECONOMICALLY DISADVANTAGED INDIVIDUALS, ETC.—

"(1) GENERAL RULE.—Under the regulations prescribed by the Secretary, if the employment of any qualified economically disadvantaged individual with respect to whom qualified wages are taken into account under subsection (a) is terminated by the taxpayer at any time during 270-day period beginning on the date such individual begins work for the employer, the tax under this chapter for the taxable year in which such employment is terminated shall be increased by an amount (determined under such regulations) equal to the credit allowed under subsection (a) for such taxable year and all prior taxable years attributable to qualified wages paid or incurred with respect to such employee.

"(2) SUBSECTION NOT TO APPLY IN CERTAIN CASES.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to—

"(i) a termination of employment of an employee who voluntarily leaves the employment of the employer.

"(ii) a termination of employment of an individual who, before the close of the period referred to in paragraph (1), becomes disabled to perform the services of such employment, unless such disability is removed before the close of such period and the employer fails to offer reemployment to such individual,

"(iii) a termination of employment of an individual, if it is determined under the applicable State unemployment compensation law that the termination was due to the misconduct of such individual, or

"(iv) a termination of employment of an individual due to a substantial reduction in the trade or business operations of the employer.

"(B) CHANGE IN FORM OF BUSINESS, ETC.—For purposes of paragraph (1), the employment relationship between the employer and an employee shall not be treated as terminated—

"(i) by a transaction to which section 381(a) applies, if the employee continues to be employed by the acquiring corporation, or

"(ii) by reason of a mere change in the form of conducting the trade or business of the taxpayer, if the employee continues to be employed in such trade or business and the employer retains a substantial interest in such trade or business.

"(3) SPECIAL RULE.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit allowable under subpart A.

"(k) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section, including regulations to prevent the abuse of such purposes by denying the credit allowable under this section to employers which relocate their businesses in an enterprise zone while displacing former employees or which otherwise conduct their businesses so as to take advantage of the credit allowable by this section without furthering such purposes."

(b) NO DEDUCTION ALLOWED.—Section 280C (relating to disallowance of deductions for certain expenses for which credits are allowable) is amended by adding at the end thereof the following new subsection:

"(c) RULE FOR SECTION 30 CREDITS.—No deduction shall be allowed for that portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable under section 30 (relating to the employment credit for enterprise zone businesses). This subsection shall be applied under a rule similar to the rule under the last sentence of subsection (a)."

(c) TECHNICAL AMENDMENTS RELATED TO CARRYOVER AND CARRYBACK OF CREDITS.—

(1) CARRYOVER OF CREDIT.—

(A) Subsection (c) of section 381 (relating to items of the distributor or transferor corporation) is amended by inserting after paragraph (25) the following new paragraph:

"(26) CREDIT UNDER SECTION 30.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and section 30, and under such regulations as may be prescribed by the Secretary) the items required to be taken into account for purposes of section 30 in respect to the distributor or transferor corporation."

(B) Paragraph (2) of section 383(a) is amended by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) unused enterprise zone employment credit under section 30,".

(2) CARRYBACK OF CREDIT.—

(A) Subparagraph (C) of section 6511(d)(4) (defining credit carryback) is amended by inserting "and any enterprise zone employment credit under section 30(b)" before the period at the end thereof.

(B) Subsection (a) of section 6411 (relating to tentative carryback and refund adjustments) is amended—

(i) by inserting "enterprise zone employment credit carryback," after "section 172(b)," in the first sentence, and

(ii) by striking so much of the second sentence as follows "the return for the taxable year" and inserting the following: "of the net operating loss, net capital loss, unused enterprise zone employment credit, or unused business credit from which the carryback results and within a period of 12 months after such taxable year (or, with respect to any portion of an enterprise zone employment credit carryback, or business credit carryback attributable to a net operating loss carryback or a net capital loss carryback from a subsequent taxable year, within a period of 12 months from the end of such subsequent taxable year or, with respect to any portion of a business credit carryback attributable to a research credit carryback or an enterprise zone employment credit carryback from a subsequent taxable year within a period of 12 months from the end of such subsequent taxable year) in the manner and form required by regulations prescribed by the Secretary".

(C) Subsections (a)(1) and (b) of section 6411 are each amended by inserting "unused enterprise zone employment credit," after "net capital loss,".

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding after the item relating to section 29 the following new item:

"Sec. 30. Credit for enterprise zone employment."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1988.

SEC. . CREDIT FOR ENTERPRISE ZONE EMPLOYEES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to credits allowable), as amended by section , is amended by adding after section 30 the following new section:

"SEC. 30A. CREDIT FOR ENTERPRISE ZONE EMPLOYEES.

"(a) IN GENERAL.—In the case of a qualified employee, there is allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 5 percent of the qualified wages for the taxable year.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED EMPLOYEE.—the term 'qualified employee' means an individual—

"(A) who is described in section 30(f)(1), and

"(B) who is not the employee of the Federal Government or any State or subdivision of a State.

"(2) QUALIFIED WAGES.—

"(A) IN GENERAL.—The term 'qualified wages' has the meaning given to 'wages' under subsection (b) of section 3306, attributable to services performed for an employer with respect to whom the employee is a qualified employee, in an amount which does not exceed 1½ times the dollar limitation specified in such subsection.

"(B) EXCEPTION.—The term 'qualified wages' does not include any compensation received from the Federal Government or any State or subdivision of a State.

"(3) ENTERPRISE ZONE.—The term 'enterprise zone' means any area with respect to which a designation as an enterprise zone is in effect under section 7881.

"(c) PHASEOUT OF CREDIT.—In determining the amount of the credit for the taxable year under subsection (a) with respect to qualified wages paid to qualified employees for services performed in an enterprise zone, the following percentages shall be substituted for '5 percent' in subsection (a):

"(1) 3 3/4 percent in the taxable year in which the date which is—

"(A) 21 years after the date on which such enterprise zone was designated under section 7881 occurs, or

"(B) if earlier, the date 4 years before the date the zone designation is to expire;

"(2) 2 1/2 percent in the next succeeding taxable year;

"(3) 1 1/4 percent in the second next succeeding taxable year; and

"(4) zero thereafter.

"(d) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) for a taxable year shall not exceed the excess (if any) of—

"(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 28, 29, and 30, over

"(2) the tentative minimum tax for the taxable year."

(b) CONFORMING AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding after the item relating to section 30 the following new item:

"Sec. 30A. Credit for enterprise zone employees."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years after December 31, 1989.

Subpart B—Credits for Investment in Tangible Property in Enterprise Zones

SEC. . INVESTMENT TAX CREDIT FOR NEW ENTERPRISE ZONE CONSTRUCTION PROPERTY.

(a) SECTION 38 PROPERTY.—Paragraph (1) of section 48(a) (defining section 38 property) is amended by striking out "or" at the end of subparagraph (F), by striking out the period at the end of subparagraph (G) and inserting in lieu thereof ", or", and by adding after subparagraph (G) the following new subparagraph:

"(H) new enterprise zone construction property (within the meaning of subsection (t)) which is not otherwise section 38 property."

(b) AMOUNT OF CREDIT.—

(1) IN GENERAL.—Subsection (a) of section 46 (relating to amount of investment tax credit) is amended by striking out "and" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", and", and by adding at the end thereof the following new paragraph:

"(4) in the case of new enterprise zone construction property, the enterprise zone percentage."

(2) ENTERPRISE ZONE PERCENTAGE DEFINED.—Subsection (b) of section 46 is amended by adding at the end thereof the following new paragraph:

"(5) ENTERPRISE ZONE PERCENTAGE.—

"(A) IN GENERAL.—The enterprise zone percentage is 10 percent.

"(B) PHASEOUT OF CREDIT AS ENTERPRISE ZONE ENDS.—Subparagraph (A) shall be applied by substituting the following percentages for 10 percent:

"(i) For the taxable year described in section 30(i)(1)(A)(i), 7.5.

"(ii) For the next succeeding taxable year, 5.

"(iii) For the second next succeeding taxable year, 2.5.

"(iv) For any subsequent taxable year, zero."

(3) CONFORMING AMENDMENT.—Section 48(o) (defining certain credits) is amended by adding at the end thereof the following new paragraph:

"(4) ENTERPRISE ZONE CREDIT.—The term 'enterprise zone credit' means that portion of the credit allowed by section 38 which is attributable to the enterprise zone percentage."

(c) DEFINITIONS.—Section 48 (relating to definitions and special rules) is amended by redesignating the subsection relating to cross reference as subsection (u) and by inserting after subsection (s) the following new subsection:

"(t) NEW ENTERPRISE ZONE CONSTRUCTION PROPERTY.—

"(1) IN GENERAL.—The term 'new enterprise zone construction property' means any section 1250 property which is—

"(A) located in an enterprise zone,

"(B) used by the taxpayer predominantly in the active conduct of a trade or business within an enterprise zone, and

"(C) either—

"(i) the construction, reconstruction, rehabilitation, renovation, expansion, or erection of which is completed by the taxpayer during the period the designation as a zone is in effect under section 7881, or

"(ii) acquired during such period if the original use of such property commences with the taxpayer and commences during such period.

"(2) SPECIAL RULES.—

"(A)(i) The term 'new enterprise zone construction property' shall not include property acquired (directly or indirectly) by the taxpayer from a person who is related to the taxpayer (determined as of the time the property is acquired by the taxpayer).

"(ii) For purposes of clause (i), a person (hereinafter in this clause referred to as the 'related person') is related to any other person if—

"(I) the related person bears a relationship to such other person specified in section 267(b) or 707(b)(1), or

"(II) the related person and such other person are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52).

For purposes of subclause (I), '10 percent' shall be substituted for '50 percent' in applying sections 267(b)(1) and 767(b)(1). In the case of the acquisition of any property by any partnership which results from the termi-

nation of another partnership under section 708(b)(1)(B), the determination of whether the acquiring partnership is related to the other partnership shall be made immediately before the event resulting in such termination.

"(B) In applying section 46(c)(1)(A) in the case of property described in paragraph (1)(C)(i), there shall be taken into account only that portion of the basis which is properly attributable to construction or erection during such period.

"(3) REAL ESTATE RENTAL.—For purposes of this section, ownership of residential, commercial, or industrial real property within an enterprise zone for rental shall be treated as the active conduct of a trade or business in an enterprise zone."

(d) LODGING TO QUALIFY.—Paragraph (3) of section 48(a) (relating to property used for lodging) is amended—

(1) by striking out "and" at the end of subparagraph (C),

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof ", and," and

(3) by adding at the end thereof the following new subparagraph:

"(E) new enterprise zone construction property."

(e) RECAPTURE.—Subsection (a) of section 47 (relating to certain dispositions, etc., of section 38 property) is amended by adding at the end thereof the following new paragraph:

"(10) SPECIAL RULES FOR NEW ENTERPRISE ZONE CONSTRUCTION PROPERTY.—

"(A) IN GENERAL.—If, during any taxable year, property with respect to which the taxpayer claimed an enterprise zone credit is disposed of the tax under this chapter for such taxable year shall be increased by the amount described in subparagraph (B).

"(B) AMOUNT OF INCREASE.—The increase in tax under subparagraph (A) shall equal the aggregate decrease in the credits allowed under section 38 by reason of section 46(a)(4) for all prior taxable years which would have resulted solely from reducing the expenditures taken into account with respect to the property by an amount which bears the same ratio to such expenditures as the number of taxable years that the property was held by the taxpayer bears to the applicable recovery period for earnings and profits under section 312(k)."

(f) BASIS ADJUSTMENT TO REFLECT INVESTMENT CREDIT.—Paragraph (3) of section 48(q) (relating to basis adjustment to section 38 property) is amended to read as follows:

"(3) SPECIAL RULE FOR QUALIFIED REHABILITATION AND ENTERPRISE ZONE EXPENDITURES.—In the case of any credit determined under section 46(a) for—

"(A) any qualified rehabilitation expenditure in connection with a qualified rehabilitated building other than a certified historic structure, or

"(B) any expenditure in connection with new enterprise zone construction property (within the meaning of section 48(t)(1)),

paragraphs (1) and (2) of this subsection and paragraph (5) of subsection (d) shall be applied without regard to the phrase '50 percent of'."

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1988, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986.

Subpart C—Nonrecognition of Qualified Enterprise Zone Capital Gain Where Acquisition of Enterprise Zone Business Property

SEC. . NONRECOGNITION OF QUALIFIED ENTERPRISE ZONE CAPITAL GAIN WHERE ACQUISITION OF ENTERPRISE ZONE BUSINESS PROPERTY.

(a) IN GENERAL.—Part III of subchapter O of chapter 1 (relating to nontaxable exchanges) is amended by adding at the end thereof the following new section:

"SEC. 1043. NONRECOGNITION OF CAPITAL GAIN WHERE ACQUISITION OF ENTERPRISE ZONE BUSINESS PROPERTY.

"(a) NONRECOGNITION OF GAIN.—If—

"(1) any property is sold and there would (but for this section) be recognized gain with respect to such sale,

"(2) within the 1-year period beginning on the date of such sale qualified replacement property is acquired by the taxpayer, and

"(3) the taxpayer elects the application of this section with respect to such sale,

such gain from such sale shall be recognized only to the extent that the amount realized from such sale exceeds the cost to the taxpayer of such replacement property.

"(b) QUALIFIED REPLACEMENT PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified replacement property' means—

"(A) any tangible personal property used predominantly in an enterprise zone in the active conduct of a trade or business within such enterprise zone,

"(B) any real property located in an enterprise zone used predominantly in the active conduct of a trade or business within such enterprise zone, and

"(C) any interest in a corporation, partnership, or other entity if, for the 3 most recent taxable years of such entity ending before the date of the purchase of such interest, such entity, was a qualified business.

"(2) QUALIFIED BUSINESS.—The term 'qualified business' means any person—

"(A) which is actively engaged in the conduct of a trade or business within an enterprise zone during each of the 3 most recent taxable years of such entity ending before the date of sale of the interest,

"(B) with respect to which at least 80 percent of such person's gross receipts for the taxable year are attributable to the active conduct of a trade or business within an enterprise zone, and

"(C) with substantially all of its tangible assets located within an enterprise zone.

"(3) REAL ESTATE RENTAL.—Ownership of residential, commercial, or industrial real property within an enterprise zone for rental shall be treated as the active conduct of a trade or business in an enterprise zone.

"(c) SPECIAL RULES.—For purposes of this section—

"(1) EXCHANGE TREATED AS SALE.—An exchange by the taxpayer of property for other property shall be treated as a sale of the first property, and the acquisition of any qualified replacement property on the exchange of property shall be treated as a purchase of such replacement property.

"(2) SECTION NOT TO APPLY TO ORDINARY INCOME.—Subsection (a) shall not apply to any gain to the extent such gain is treated as ordinary income under any provision of this chapter.

"(d) REDUCTION IN BASIS.—Where the purchase of any qualified replacement property results under subsection (a) in the nonrecognition of gain on the sale of any other property, the basis of such replacement property shall be reduced by an amount equal to the amount of gain not so recognized on the sale of such other property. Where the purchase of more than 1 qualified replacement property is taken into account in the nonrecognition under subsection (a) of gain on the sale of a property, the preceding sentence shall be applied to each such replacement property in the order in which such properties are purchased.

"(e) STATUTE OF LIMITATIONS.—If the taxpayer during any taxable year sells any property at a gain, then—

"(1) the statutory period for the assessment of any deficiency attributable to any part of such gain shall not expire before the expiration of the 3-year period beginning on the date the Secretary is notified by the taxpayer (in such manner as the Secretary may by regulations prescribe) of—

"(A) the taxpayer's cost of purchasing any qualified replacement property which the taxpayer claims results in nonrecognition of any part of such gain,

"(B) the taxpayer's intention not to purchase any such investment within the 1-year period described in subsection (a), or

"(C) the failure by the taxpayer to purchase any such replacement property within such period; and

"(2) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment."

(b) HOLDING PERIOD.—Section 1223 (relating to holding period of property) is amended by redesignating paragraph (14) as paragraph (15) and by inserting after paragraph (13) the following new paragraph:

"(14) In determining the period for which the taxpayer has held any qualified replacement property the acquisition of which resulted under section 1043 in the nonrecognition of any part of the gain realized on the sale or exchange of any other property, there shall be included the period for which the property sold or exchanged had been held as of the date of such sale or exchange."

(c) BASIS ADJUSTMENT.—Subsection (a) of section 1016 (relating to adjustments to basis) is amended by striking out "and" at the end of paragraph (24), by striking out the period at the end of paragraph (25) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraph:

"(26) in the case of any qualified replacement property the acquisition of which resulted under section 1043 in the nonrecognition of gain on the sale or exchange of other property, to the extent provided by section 1043(d)."

(d) CLERICAL AMENDMENT.—The table of sections of part III of subchapter O of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 1043. Nonrecognition of qualified enterprise zone capital gain where acquisition of enterprise zone business property."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and exchanges after December 31, 1991, in taxable years ending after such date.

Subpart D—Deduction for Purchase of Enterprise Stock

SEC. . DEDUCTION FOR PURCHASE OF ENTERPRISE STOCK.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding at the end thereof the following new section:

"SEC. 197. DEDUCTION FOR PURCHASE OF ENTERPRISE STOCK.

"(a) IN GENERAL.—At the election of the taxpayer, there shall be allowed as a deduction the aggregate amount paid during the taxable year for the purchase of enterprise stock on the original issue of such stock by a qualified issuer.

"(b) MAXIMUM DEDUCTION.—

"(1) IN GENERAL.—The maximum amount allowed as a deduction under subsection (a) to a taxpayer for the taxable year shall not exceed $100,000.

"(2) CONTROLLED GROUPS.—For purposes of paragraph (1), the taxpayer and all persons who are related persons with respect to the taxpayer shall be treated as 1 person, and the $100,000 amount in paragraph (1) shall be allocated among the taxpayer and such persons in proportion to their respective purchases of stock during the taxable year for which credit is allowable by this section.

"(3) ALLOCATION OF DEDUCTION WHERE MORE THAN $100,000 OF STOCK PURCHASED.—If the amount of stock purchased by any person exceeds the limitation under this subsection with respect to such person, the deduction allowed under this section shall be allocated pro rata among the stock so purchased in accordance with the purchase price per share.

"(c) DISPOSITIONS OF STOCK.—

"(1) GAIN TREATED AS ORDINARY INCOME.—If any enterprise stock with respect to which a deduction was allowed under this section is disposed of by the taxpayer, then the lesser of—

"(A) the excess of—

"(i)(I) in the case of a sale or exchange, the amount realized, or

"(II) in the case of any other disposition, the fair market value of the stock, over

"(ii) the adjusted basis of such stock, or

"(B) the amount of the deduction allowed under this section with respect to such stock,

shall be treated as ordinary income. Such gain shall be recognized notwithstanding any other provision of this subtitle.

"(2) INTEREST CHARGED IF DISPOSITION WITHIN 3 YEARS OF PURCHASE.—

"(A) IN GENERAL.—If any enterprise stock is disposed of before the end of the 3-year period beginning on the date such stock was purchased by the taxpayer, the tax imposed by this chapter for the taxable year in which such disposition occurs shall be increased by the enterprise stock recapture amount.

"(B) ENTERPRISE STOCK RECAPTURE AMOUNT.—For purposes of subparagraph (A), the term 'enterprise stock recapture amount' means an amount equal to the amount of interest (determined at the rate applicable under section 6621) which would accrue—

"(i) during the period beginning on the date such stock was purchased by the taxpayer and ending on the date such stock was disposed of by the taxpayer,

"(ii) on the aggregate decrease in tax of the taxpayer resulting from the deduction allowed under this section with respect to the stock so disposed of.

"(d) TREATMENT WHERE ISSUER CEASES TO BE QUALIFIED.—

"(1) IN GENERAL.—If—

"(A) any qualified issuer with respect to the stock of which any taxpayer has made an election under this section ceases to meet the requirements of subsection (e)(2)(A)(i), (iii), or (iv), and

"(B) such cessation occurs at any time before the close of the 5th taxable year ending after the date such stock was issued,

the tax treatment described in paragraph (2) shall apply to the taxable year of the taxpayer in which such cessation occurs.

"(2) TAX TREATMENT OF TAXPAYER.—The tax treatment described in this paragraph for any taxable year is—

"(A) the taxpayer shall include in income as ordinary income the amount of the deduction allowed under this section with respect to such stock,

"(B) the tax imposed by this chapter for such taxable year shall be increased by an amount equal to the amount of interest (determined at the rate applicable under section 6621) which would accrue—

"(i) during the period beginning on the date such stock was purchased by the taxpayer and ending on the disqualification date,

"(ii) on the aggregate decrease in tax of the taxpayer resulting from the deduction allowed under this section with respect to the stock.

"(3) DISQUALIFICATION DATE.—For purposes of paragraph (2), the term 'disqualification date' means the earlier of—

"(A) the date of the issuance by the qualified issuer (or any related person with respect to such issuer) of any regulated security, or

"(B) the last day of the taxable year of the qualified issuer in which the requirements of subsection (e)(2)(A) (i) or (iv) ceased to be met.

"(e) DEFINITIONS.—For purposes of this section—

"(1) ENTERPRISE STOCK.—The term 'enterprise stock' means common stock issued by a qualified issuer but only if the proceeds of such issue are used by such issuer in the conduct of a qualified business (as defined in section 1043(b)(3)(B)).

"(2) QUALIFIED ISSUER.—

"(A) IN GENERAL.—The term 'qualified issuer' means any C corporation which, at the time of issuance of the stock involved—

"(i) is conducting a qualified business described in section 1043(b)(3)(B),

"(ii) does not have a net worth (either before or immediately after the issuance of the stock involved) exceeding $2,000,000,

"(iii) has not had at any time during the 5-year testing period any outstanding regulated securities issued by such corporation, and

"(iv) has derived during the testing period more than 50 percent of its gross receipts during such period from sources other than royalties, rents (other than rents from real estate described in section 1043(b)(3)(C)), dividends, interest, annuities, and sales and exchanges of stock or securities.

"(B) RELATED PERSONS TAKEN INTO ACCOUNT IN CERTAIN CASES.—For purposes of clauses (ii) and (iii) of subparagraph (A), the issuer and all persons who are related persons with respect to such issuer shall be treated as 1 person.

"(C) TESTING PERIOD.—For purposes of subparagraph (A), the term 'testing period' means the period beginning on the first day of the 5th taxable year beginning before the issuance of the stock involved and ending on the date of such issuance.

"(3) REGULATED SECURITIES.—The term 'regulated securities' means any security—

"(A) registered on a national exchange under section 12(b) of the Securities Exchange Act of 1934, or

"(B) registered (or required to be registered) under section 12(g) of such Act (determined without regard to section 12(g)(2) of such Act).

"(4) RELATED PERSON.—A person is a related person to another person if—

"(A) such persons are treated as a single employer under subsections (a) and (b) of section 52, or

"(B) in the case of individuals, such persons are husband and wife.

"(f) SPECIAL RULES.—

"(1) AMOUNT PAID AFTER CLOSE OF TAXABLE YEAR.—An amount paid after the close of the taxable year for the purchase of enterprise stock shall be treated for purposes of subsection (a) as paid during such year if—

"(A) such amount is so paid not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof), and

"(B) the taxpayer was under a binding contract as of the close of such taxable year to purchase such stock.

"(2) LIMITATION ON AMOUNT OF DEDUCTION.—If—

"(A) any enterprise stock is issued in exchange for property,

"(B) the basis of such stock in the hands of the taxpayer is determined by reference to the basis of such property, and

"(C) the adjusted basis (for determining gain) of such property immediately before the exchange exceeded its fair market value at such time,

then the deduction under this section, and such adjusted basis, shall both be reduced by the excess described in subparagraph (C).

"(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a deduction is allowed under this section with respect to the purchase of any stock, the basis of such stock (without regard to this subsection) shall be reduced by the amount of the deduction allowed with respect to the purchase of such stock."

(b) TECHNICAL AMENDMENT.—Subsection (a) of section 1016 (relating to adjustments to basis), as amended by this title is amended by striking out "and" at the end of paragraph (25), by striking out the period at the end of paragraph (26) and inserting in lieu thereof ", and", and by adding at the end thereof the following new paragraph:

"(27) to the extent provided in section 197(g), in the case of stock with respect to which a deduction was allowed under section 197."

(c) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 197. Deduction for purchase of enterprise stock."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to stock purchased after December 31, 1991.

Subpart E—Rules Relating to Private Activity Bonds

SEC. . PRIVATE ACTIVITY BONDS.

(a) LIMITATION ON ACCELERATED COST RECOVERY DEDUCTION NOT TO APPLY TO ENTERPRISE ZONE PROPERTY.—Subparagraph (C) of section 168(g)(5) (relating to limitations on property financed with tax-exempt bonds) is amended to read as follows:

"(C) EXCEPTIONS.—Subparagraph (A) shall not apply to any which is placed in service—

"(i) in connection with any qualified residential rental project (within the meaning of section 142(a)(7)), or

"(ii) as new enterprise zone construction property (within the meaning of section 48(t))."

(b) TERMINATION OF SMALL ISSUE EXEMPTION NOT TO APPLY.—Paragraph 12 of section 142(a) (relating to termination of small issue exemption) is amended by adding at the end thereof the following new subparagraph:

"(D) ENTERPRISE ZONE FACILITIES.—This paragraph shall not apply to any obligation

which is part of an issue substantially all of the proceeds of which are used to finance facilities within an enterprise zone if such facilities are placed in service while the designation as such a zone is in effect under section 7881."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 1991, in taxable years ending after such date.

Subpart F—Ordinary Loss Deduction for Securities of Enterprise Zone Business Which Become Worthless

SEC. . ORDINARY LOSS DEDUCTION ALLOWED FOR SECURITIES OF ENTERPRISE ZONE BUSINESS WHICH BECOME WORTHLESS.

(a) GENERAL RULE.—Subsection (g) of section 165 (relating to losses) is amended by adding at the end thereof the following new paragraph:

"(4) SECURITIES OF ENTERPRISE ZONE BUSINESS.—If any security of a qualified business (as defined in section 1043(b)) which is a capital asset becomes worthless during the taxable year—

"(A) paragraph (1) shall not apply, and

"(B) the loss resulting therefrom shall, for purposes of this subtitle, be treated as a loss from the sale or exchange, on the last day of the taxable year, of property which is not a capital asset."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to losses sustained after December 31, 1988, in taxable years ending after such date.

Subpart G—Increase in Research Credit for Research Conducted in Enterprise Zones

SEC. . INCREASE IN RESEARCH CREDIT FOR RESEARCH CONDUCTED IN ENTERPRISE ZONES.

(a) IN GENERAL.—Section 41 (relating to credit for increasing research activities) is amended by adding at the end thereof the following new subsection:

"(i) INCREASE IN CREDIT FOR RESEARCH CONDUCTED IN ENTERPRISE ZONE.—Subsection (a)(1) shall be applied by substituting '37½ percent' for '20 percent' with respect to the lesser of—

"(1) the excess described in subsection (a)(1), or

"(2) the excess which would be described in subsection (a) if only research conducted in enterprise zones were taken into account.

For purposes of paragraph (2), an area shall be treated as an enterprise zone for a base period with respect to a taxable year if such area is designated as an enterprise zone for such taxable year."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1991, and to base periods with respect to such taxable years.

Subpart H—Sense of the Congress With Respect to Tax Simplification

SEC. . TAX SIMPLIFICATION.

It is the sense of the Congress that the Secretary of the Treasury should in every way possible simplify the administration and enforcement of any provision of the Internal Revenue Code of 1986 added to, or amended by, this Act.

Subpart I—Regulations

SEC. . REGULATIONS.

The Secretary of the Treasury or his delegate shall issue such regulations as may be necessary to carry out the amendments made by this title not later than 6 months after the date of the enactment of this Act.

PART III—REGULATORY FLEXIBILITY

SEC. . DEFINITION OF SMALL ENTITIES IN ENTERPRISE ZONES FOR PURPOSES OF ANALYSIS OR REGULATORY FUNCTIONS

Section 601 of title 5, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5); and

(2) by striking paragraph (6) and inserting in lieu thereof the following:

"(6) the term 'small entity' means—

"(A) a small business, small organization, or small governmental jurisdiction within the meaning of paragraphs (3), (4), and (5) of this section, respectively; and

"(B) any qualified business; any governments which designated and approved an area which has been designated as an enterprise zone (within the meaning of section 7881 of the Internal Revenue Code of 1986) to the extent any rule pertains to the carrying out of projects, activities, or undertakings within such zone; and any not-for-profit enterprise carrying out a significant portion of its activities within such a zone; and

"(7) the term 'qualified business' means any person, corporation, or other entity—

"(A) which is engaged in the active conduct of a trade or business within an enterprise zone (within the meaning of section 7881 of the Internal Revenue Code of 1986); and

"(B) for whom at least 50 percent of its employees are qualified employees (within the meaning of section 30(f) of such Code)."

SEC. . WAIVER OR MODIFICATION OF AGENCY RULES IN ENTERPRISE ZONES.

(a) Chapter 6 of title 5, United States Code, is amended by redesignating sections 611 and 612 as sections 612 and 613, respectively, and inserting the following new section immediately after section 610:

"§ 611. Waiver or modification of agency rules in enterprise zones

"(a) Upon the written request of the governments which designated and approved an area which has been designated as an enterprise zone under section 7881 of the Internal Revenue Code of 1986, an agency is authorized, in order to further the job creation, community development, or economic revitalization objectives of the zone, to waive or modify all or part of any rule which it has authority to promulgate, as such rule pertains to the carrying out of projects, activities, or undertakings within the zone.

"(b) Nothing in this section shall authorize an agency to waive or modify any rule adopted to carry out a statute or Executive order which prohibits, or the purpose of which is to protect persons against, discrimination on the basis of race, color, religion, sex, marital status, national origin, age, or handicap.

"(c) A request under subsection (a) shall specify the rule or rules to be waived or modified and the change proposed, and shall briefly describe why the change would promote the achievement of the job creation, community development, or economic revitalization objectives of the enterprise zone. If a request is made to an agency other than the Department of Housing and Urban Development, the requesting governments shall send a copy of the request to the Secretary of Housing and Urban Development at the time the request is made.

"(d) In considering a request, the agency shall weigh the extent to which the proposed change is likely to further job creation, community development, or economic revitalization within the enterprise zone against the effect the change is likely to have on the underlying purposes of applicable statutes in the geographic area which would be affected by the change. The agency shall approve the request whenever it finds, in its discretion, that the public interest which the proposed change would serve in furthering such job creation, community development or economic revitalization outweighs the public interest which continuation of the rule unchanged would serve in furthering such underlying purposes. The agency shall not approve any request to waive or modify a rule if that waiver or modification would—

"(1) directly violate a statutory requirement (including any requirement of the Fair Labor Standards Act of 1938 (52 Stat. 1060; 29 U.S.C. 201 et seq.)); or

"(2) be likely to present a significant risk to the public health, including environmental health or safety, such as a rule with respect to occupational safety or health, or environmental pollution.

"(e) If a request is disapproved, the agency shall inform the requesting governments in writing of the reasons therefor and shall, to the maximum extent possible, work with such governments to develop an alternative, consistent with the standards contained in subsection (d).

"(f) Agencies shall discharge their responsibilities under this section in an expeditious manner, and shall make a determination on requests not later than 90 days after their receipt.

"(g) A waiver or modification of a rule under subsection (a) shall not be considered to be a rule, rulemaking, or regulation under chapter 5 of this title. To facilitate reaching its decision on any requested waiver or modification, the agency may seek the views of interested parties and, if the views are to be sought, determine how they should be obtained and to what extent, if any, they should be taken into account in considering the request. The agency shall publish a notice in the Federal Register stating any waiver or modification of a rule under this section.

"(h) In the event that an agency proposes to amend a rule for which a waiver or modification under this section is in effect, the agency shall not change the waiver or modification to impose additional requirements unless it determines, consistent with standards contained in subsection (d), that such action is necessary.

"(i) No waiver or modification of a rule under this section shall remain in effect for a longer period than the period for which the enterprise zone designation remains in effect for the area in which the waiver or modification applies.

"(j) For purposes of this section, the term 'rule' means (1) any rule as defined in section 551(4) of this title or (2) any rulemaking conducted on the record after opportunity for an agency hearing pursuant to sections 556 and 557 of this title."

(b) The table of sections for such chapter is amended by redesignating "611." and "612." as "612." and "613.", respectively, and inserting the following new item immediately after "610.":

"611. Waiver or modification of agency rules in enterprise zones."

(c) Section 601(2) of such title is amended by inserting "(except for purposes of section 611)" immediately before "means."

(d) Section 613 of such title, redesignated by subsection (a) of this section, is amended by—

(1) inserting "(except section 611)" immediately after "chapter" in subsection (a); and

(2) inserting "as defined in section 601(2)" immediately before the period at the end of the first sentence of subsection (b).

SEC. . COORDINATION OF HOUSING AND URBAN DEVELOPMENT PROGRAMS IN ENTERPRISE ZONES.

Section 3 of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following new subsection:

"(d) The Secretary of Housing and Urban Development shall—

"(1) promote the coordination of all programs under his jurisdiction which are carried on within an enterprise zone designated pursuant to 7881 of the Internal Revenue Code of 1986;

"(2) expedite, to the greatest extent possible, the consideration of applications for programs referred to in paragraph (1) through the consolidation or forms or otherwise; and

"(3) provide, whenever possible, for the consolidation of periodic reports required under programs referred to in paragraph (1) into one summary report submitted at such intervals as may be designated by the Secretary."

DEPARTMENT OF STATE AUTHORIZATION, FISCAL YEARS 1992 AND 1993

WOFFORD AMENDMENT NO. 912

Mr. WOFFORD proposed an amendment to the bill S. 1433, supra, as follows:

On page 83, strike lines 18 and 19 and insert in lieu thereof: "and Expenses", $401,109,500 for the fiscal year 1992 and $401,109,500 for the fiscal year 1993, provided that no funds shall be available for any expenditure related to the "Worldnet" television program.

KERRY AMENDMENT NO. 913

Mr. KERRY proposed an amendment to the bill S. 1433, supra, as follows:

On page 3, immediately above the item relating to section 162, insert the following item:

Sec. 161. Material donations to United Nations peacekeeping operations.

On page 3, in the item relating to section 171, strike out "The".

On page 4, strike out the item relating to section 303 and insert in lieu thereof the following:

Sec. 303. Policy on RFE/RI.

On page 9, after the period at the end of line 21, insert the following: "Authorization of appropriations for such arrearage payments provided in this subparagraph shall remain available until the appropriations are made.".

On page 10, after the period at the end of line 12, add the following: "Authorization of appropriations for such arrearage payments provided in this subparagraph shall remain available until the appropriations are made.".

On page 18, strike lines 13 through 16.

On page 18, line 17, strike out "(3)" and insert in lieu thereof "(2)".

On page 19, line 3, strike out "(4)" and insert in lieu thereof "(3)".

On page 19, line 6, strike out "(5)" and insert in lieu thereof "(4)".

On page 19, strike the period at the end of line 9 and insert in lieu thereof the following: ", except that the 15-day period under that section shall apply only insofar as consistent with the emergency nature of the situation in cases where the safety of human life is involved.".

On page 19, line 10, strike out "(6)" and insert in lieu thereof "(5)".

On page 19, line 13, strike out "(7)" and insert in lieu thereof "(6)".

On page 25, line 3, strike out "notification and".

On page 25, line 6, strike out "notification" and insert in lieu thereof "detailed reporting".

On page 25, line 7, strike out "notify on a timely basis" and insert in lieu thereof "submit a report on a timely basis to".

On page 25, line 10, insert at the end thereof the following: "Such report shall set forth for each person denied a visa pursuant to such section—

"(1) the name of the alien;

"(2) the alien's nationality; and

"(3) a factual statement of the basis for such denial.".

On page 25, line 20, strike out "the basis for" and insert in lieu thereof "a short statement of the grounds for".

On page 36, line 3, strike "and".

On page 36, between lines 3 and 4, insert the following:

"(I) activities of the Immigration and Naturalization Service; and".

On page 37, strike out line 5 through 11 and insert in lieu thereof the following:

(C) by striking out "after such date" and inserting in lieu thereof "without regard to the fiscal year such obligations were entered into, including obligations entered into before such date".

On page 28, beginning on line 18, strike out "reimbursable" and all that follows through "period" on line 20 and insert in lieu thereof the following: "deemed to be reimbursement obligations entered into pursuant to section 208(a) of that title as if the amendment made by this subsection were in effect during that period and the services had been requested by the Secretary of State".

On page 47, line 12, insert "by inserting 'preschool,' before 'kindergarten' and" after "(A),".

On page 48, strike lines 12 through 15.

On page 54, line 4, strike out "60 days" and insert in lieu thereof "9 months".

On page 55, line 22, strike out "in" and insert in lieu thereof "by".

On page 63, line 2, add at the end thereof the following new sentences: "In the event that the head of any originating agency considers it necessary to deny access to the Advisory Committee to the original text of any record, that agency head shall notify the Advisory Committee in writing, describing the nature of the record in question and the justification for withholding that record.".

On page 63, line 19, strike out "Advisory Committee" and insert in lieu thereof "Secretary of State".

On page 63, lines 20 and 21, strike out "The Secretary of State" and insert in lieu thereof "him by the Advisory Committee".

On page 63, line 21, add at the end thereof the following new sentence: "In the event that the Secretary of State decides not to furnish such copy to the originating agency, the Secretary shall notify the Advisory Committee in writing, describing the reasons for his decision.".

On page 63, line 23, insert "from the Secretary of State" after "report".

On page 64, line 3, strike out "Advisory Committee" and insert in lieu thereof "Historian".

On page 64, line 13, insert "(as determined by the Secretary of State and the Archivist of the United States)" after "value".

On page 65, line 16, before the semicolon insert the following: "or would demonstrably impair the national security of the United States".

On page 66, line 6, strike out "Act" and insert in lieu thereof "title".

On page 66, between lines 10 and 11, insert the following:

In the event that the Secretary of State considers it necessary to deny access to records under paragraph (3), the Secretary shall notify the Advisory Committee in writing, describing the nature of the records in question and the justification for withholding them.

On page 66, line 25, strike out "systematic".

On page 73, line 2, strike out "one" and insert in lieu thereof "two".

On page 86, strike lines 18 through 21 and insert in lieu thereof the following: "The Director of the United States Information Agency shall establish distinct Croatian and Serbian programs within the Yugoslavian section of the Voice of America'.".

On page 91, between lines 2 and 3, insert the following new undesignated paragraph:

Section 225(a) of such Act is further amended by striking out "shall" each of the two places it appears and inserting in lieu thereof "are authorized to".

On page 95, line 18, strike out "Act" and insert in lieu thereof "title".

On page 109, line 4, strike out "Act" and insert in lieu thereof "title".

On page 110, line 4, strike out "30" and insert in lieu thereof "90".

On page 110, lines 7 and 8, strike out "during Operation Desert Shield or Operation Desert Storm" and insert in lieu thereof "subsequent to August 2, 1990".

On page 110, line 13, strike out "Act" and insert in lieu thereof "title".

On page 110, line 17, before the semicolon insert the following: "or, where required by law for certain reporting purposes, the Select Committee on Intelligence of the Senate and the select Committee on Intelligence of the House of Representatives".

On page 111, line 2, strike out "or".

On page 111, line 3, insert before the period the following: "which has become United States property in accordance with the laws of war".

On page 111, line 5, strike out "Act" and insert in lieu thereof "title".

On page 111, strike out lines 6 and 7 and insert in lieu thereof the following:

(1) the abandonment or failure to take possession of spoils of war by troops in the field for valid military reasons related to conduct of the immediate conflict, including the burden of transporting such property or a decision to allow allied forces to take possession of certain property solely for use during the immediate conflict;

On page 111, line 11, strike out "or".

On page 111, line 13, strike out the period and insert in lieu thereof a semicolon.

On page 111, between lines 13 and 14, insert the following:

(4) the return of spoils of war to previous owners from whom such property has been seized by enemy forces; or

(5) minor articles of personal property which have lawfully become the property of individual members of the armed forces as war trophies pursuant to public written authorization from the Department of Defense.

On page 114, line 9, strike out "Act" and insert in lieu thereof "title".

On page 116, line 24, strike out "Act" and insert in lieu thereof "title".

On page 130, line 13, strike out "Act" and insert in lieu thereof "title".

On page 149, line 11, strike "Baltic Republics" and insert in lieu thereof "Baltic States".

On page 154, line 23, strike "(known as the 'Sejm')".

On page 169, line 12, after the period, add quotation marks and a period.

On page 6, line 16, strike "$1,743,005,000" and insert in lieu thereof "$1,727,005,000".

On page 6, line 17, strike "$1,745,005,000" and insert in lieu thereof "$1,735,005,000".

LEVIN (AND KASSEBAUM) AMENDMENT NO. 914

Mr. KERRY (for Mr. LEVIN, for himself and Mrs. KASSEBAUM) proposed an amendment to the bill S. 1433, supra, as follows:

On page 169, after line 12, add the following:

SEC. . POLICY TOWARD THE RELEASE OF POLITICAL PRISONERS BY SOUTH AFRICA.

(a) FINDINGS.—The Congress finds that—

(1) on August 6, 1990, the African National Congress and the South African Government issued a joint statement, known as the "Pretoria Minute", in which both parties accepted a definition of "political prisoner" which was broader than the standard international definition of prisoners of conscience, and, pursuant to this agreement, agreed all political prisoners were to be released by April 30, 1991;

(2) the South African Human Rights Commission and the African National Congress (ANC) have identified a significant number of prisoners that they consider to be covered by the Pretoria Minute who remain incarcerated, including in the "homeland" areas;

(3) an agreement between the South African government and the African National Congress on the release of political prisoners, as defined by the Pretoria Minute, is considered indispensable to creating the proper atmosphere for a transition to a nonracial democracy in South Africa;

(4) the definitions applied in the Pretoria Minute are substantially different from those in the Comprehensive Anti-Apartheid Act of 1986;

(5) the United States Congress remains concerned about the delay in the resolution of this central issue.

(b) POLICY.—It is the sense of the Congress that—

(1) the President and the Secretary of State should pursue, through diplomatic actions with the South African Government, the resolution of this controversy and the release of all political prisoners;

(2) not less than 90 days after enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report documenting the progress which has been made concerning the release of all political prisoners;

(3) satisfactory resolution between the South African Government and the African National Congress of the issue of the release of political prisoners is essential to the continued progress toward the establishment of a nonracial democracy in South Africa.

ROTH AMENDMENT NO. 915

Mr. ROTH proposed an amendment to the bill S. 1433, supra, as follows:

At an appropriate place in the bill add the following new section.

SEC. . TO EXPRESS THE SENSE OF THE SENATE CONCERNING THE RESEARCH AND DEVELOPMENT OF U.S. TACTICAL NUCLEAR WEAPONS DESIGNED FOR DEPLOYMENT IN EUROPE.

(a) FINDINGS.—

(1) the Warsaw Pact military alliance no longer exists;

(2) the Soviet Union's capability to pose a military threat to European security has retreated radically;

(3) in light of the retreating Soviet threat, West European electorates are unlikely to approve the deployment of new U.S. tactical nuclear weapons on European soil.

(b) POLICY.—It is the policy of the Senate that the United States Government should not proceed with the research or development of any tactical nuclear system designed solely for deployment in Europe unless and until the NATO Council has officially announced how, when and where such tactical nuclear systems will be deployed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1992

BURDICK (AND COCHRAN) AMENDMENT NO. 916

Mr. BURDICK (for himself and Mr. COCHRAN) proposed an amendment to the bill (H.R. 2698) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes, as follows:

On page 76, line 18, strike: "$155,524,000" and insert in lieu thereof: "such sums as necessary".

NOTICES OF HEARINGS

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources to receive testimony on title XVII of H.R. 429, the Reclamation Projects Authorization and Adjustment Act of 1991, and S. 1501, the Reclamation Reform Act of 1991.

The hearing will take place on Thursday, September 12, 1991, at 2 p.m., in room SD–366 of the Dirksen Senate Office Building, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the subcommittee, SD–364, Washington, DC 20510.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224–2366, or Anne Svoboda at (202) 224–6836.

Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources to receive testimony on S. 1228, the Western Water Policy Review Act of 1991.

The hearing will take place on Thursday, September 19, 1991, at 2 p.m., in room SD–366 of the Dirksen Senate Office Building, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the subcommittee, SD–364, Washington, DC 20510.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224–2366, or Anne Svoboda at (202) 224–6836.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry, Subcommittee on Conservation and Forestry, will hold a hearing on S. 1294, the Recreational Hunting Safety and Preservation Act of 1991, on Thursday, August 8, 1991, at 2:30 p.m., at the Willson School, on 404 West Street, in Bozeman, MT.

For further information please contact Woody Vaughan of the subcommittee staff at 224–5207.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. WIRTH. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Monday, July 29, at 10 a.m., for a field hearing in Toledo, OH, on the subject: Great Lakes dredging and the environment.

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

SUBCOMMITTEE ON SUPERFUND, OCEAN AND WATER PROTECTION

Mr. WIRTH. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Ocean and Water Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Monday, July 29, beginning at 10 a.m., to conduct a hearing on legislation to address Superfund problems facing municipalities.

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

COMMITTEE ON THE JUDICIARY

Mr. WIRTH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, July 29, 1991, at 3 p.m. to hold a hearing on the nomination of William H. Yohn, to be U.S. district

judge for the Eastern District of Pennsylvania, Harvey Bartle III, to be U.S. district judge for the Eastern District of Pennsylvania, Michael R. Hogan, to be U.S. district judge for the District of Oregon, and Shelby Highsmith, to be U.S. district judge for the Southern District of Florida.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. WIRTH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, July 29, at 4:30 p.m., to hold an ambassadorial nominations hearing.

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

ADDITIONAL STATEMENTS

COMMENDING THE U.S. COAST GUARD AND COAST GUARD AUXILIARY

• Mr. INOUYE. Mr. President, I wish to commend the U.S. Coast Guard's contributions in Operation Desert Shield and Operation Desert Storm, and the Coast Guard Auxiliary's efforts to attend to our domestic needs at home.

In recent weeks and months, the return of our military men and women from the desert has been foremost on our minds; we have been tying yellow ribbons to show our support, holding parades, and celebrating the victory in a grand fashion.

Everyone is talking about Operation Desert Storm. In so doing, the focus has been on the Air Force pilots who guided the smart bombs, the tank battalions and infantry men who delivered the "Hail Mary punch," the Marines who occupied Khafji and Kuwait City, the engineers who cleared mine fields and the Navy fliers who shot down Scud missiles. We oftentimes overlook the essential contributions of personnel "behind the scenes."

The U.S. Coast Guard asked more than 950 young men and women to risk their lives by serving in Operation Desert Shield and Operation Desert Storm. It is not widely known that these brave men and women were responsible for the safe loading and unloading of dangerous ammunition, the preparation of Ready Reserve vessels and the reactivation of mothballed military ships for use in the conflict. It is not widely known that it was the United States Coast Guard who led the response team in the massive oilspill off the coasts of Kuwait and Saudi Arabia.

Coast Guard personnel were also deployed on Navy ships to help enforce the U.N. embargo of goods going into and out of Iraq by boarding vessels in embargoed areas. The men and women of the U.S. Coast Guard braved the dangerously mined waters in the Persian Gulf and faced extremely adverse situations alongside the soldiers to maintain port security.

We must give credit where credit is due. I wish to applaud the logistical efforts of the U.S. Coast Guard. With only limited resources and on short notice, the Coast Guard organized and executed the safe and efficient handling of necessary war cargo, provided security to ports, and helped protect the environment. It undertook these complex tasks in a timely and precise manner. The Coast Guard also had the foresight to ensure that their duties stateside—to protect and serve American citizens in American waters—were left in capable hands. When Coast Guard personnel were needed in the gulf, the Coast Guard Auxiliary provided search and rescue assistance which literally saved thousands of lives at sea. In my home State alone, more than 500 volunteer members organized 15 flotillas throughout the Hawaiian islands. Auxiliary members in Hawaii assisted the Coast Guard in 79 search and rescue missions, saved 7 lives, and assisted 166 persons during 1990.

I wish to applaud the 32,000 unpaid civilian volunteers who make up the present Coast Guard Auxiliary forces. Under the guidance of the U.S. Coast Guard, these brave men and women stood ready to serve, willing to risk their lives as well, during often dangerous search and rescue missions. In addition to answering their country's call to duty, these outstanding volunteers used their own boats and provided their own maintenance. They did so unselfishly, tirelessly and patriotically.

The success of Operation Desert Storm required the combined efforts of hundreds of thousands of people. Mr. President, I wish to pay tribute to the unsung heroes and heroines—the men and women of the U.S. Coast Guard and Coast Guard Auxiliary. Without their expertise and courageous sacrifices we would not be celebrating our victory today.

The willingness of the men and women of the Coast Guard to place themselves in harm's way in support of our soldiers, and the willingness of the Coast Guard Auxiliary to assist the U.S. Coast Guard in carrying out its respsonsibilities to ensure the safety of U.S. citizens are not widely known or recognized. Mr. President, today I wish to say, "Thank you very much."•

MEDICARE'S SKILLED NURSING FACILITY AND HOME HEALTH CARE BENEFITS

• Mr. ADAMS. Mr. President, I am pleased to join my distinguished colleagues, Senators BREAUX and RIEGLE, in introducing legislation to improve access to skilled nursing facility [SNF] and home health care coverage by Medicare beneficiaries. The legislation we are introducing today addresses two key problem areas that significantly undermine the value of these two crucial benefits.

First, our legislation would repeal the current requirement that a beneficiary must be hospitalized for a 3-day period in order to be eligible for the SNF benefit. Second, it would clear up inconsistencies in coverage and eligibility rules for Medicare's home health care benefit that have created immense difficulties for both beneficiaries and providers. Similar provisions were included in the Medicare Catastrophic Coverage Act [MCCA]. These important and progressive improvements were lost when the MCCA was repealed due to its very serious financing problems.

The current 3-day hospital stay requirement has become an outdated and wholly unreasonable—and unfair—barrier to Medicare beneficiaries obtaining needed services. Because of the very high cost of nursing home care, many beneficiaries who are denied SNF coverage for which they would otherwise be eligible, face large and unnecessary out-of-pocket costs for nursing home care. Moreover, when beneficiaries are hospitalized for 3 days in order to establish eligibility for the SNF benefit, the Medicare Program—and the taxpayer—suffer due to the extraordinary costs of unnecessary hospitalizations.

This requirement has become an anachronism. The combination of changes brought about by the prospective payment system and its DRG's and new developments in health care have significantly reduced the lengths of hospital stays. Short stays of 1 or 2 days are no longer uncommon; many patients who would have spent 3 or more days in a hospital several years ago would be hospitalized for shorter periods today. That is a welcome change. Yet, for many of them, there is no less of a need for SNF care. It makes no sense to deny these beneficiaries Medicare's nursing home coverage because of changes in hospitalization patterns. For many others, a trip to the hospital for even 1 day is unnecessary. A May 1989 study for the Department of Health and Human Services estimated that over 20 percent of short hospital stays were unnecessary. It makes no sense to put physicians in the position of hospitalizing a patient for 3 days just to ensure they get the nursing home or rehabilitative care they need under Medicare.

Mr. President, the second part of this legislation addresses a significant area of ambiguity and inconsistency in Medicare policy badly in need of reform. Medicare law currently states that a patient must require "skilled nursing care on an intermittent basis" to become eligible for Medicare coverage of skilled home health nursing services. The definition of "intermittent" is in-

consistent: present Medicare policy permits eligibility under the program if such care is necessary for up to 4 days a week regardless of the duration of care, while coverage is allowed for up to 7 days a week when the service is not needed indefinitely. This bill would remedy this by defining "intermittent" to include care for up to a maximum of 6 days a week.

The second problem our legislation addresses related to the home health care benefit is that current policy outright denies coverage to those who need daily skilled nursing care for an indefinite period. This means, for example, that patients with nonhealing wounds or that are technology-dependent, such as those on ventilators, very often have no coverage whatsoever. This legislation would provide, as did the MCCA, for full daily coverage 7 days per week for up to 38 days eligibility for these patients, as it would for patients with a temporary need for care.

Mr. President, we have agreed that these are sound public policy changes once before. Unfortunately, they were caught up in the much larger MCCA debate and were repealed along with the rest of the MCCA. I am honored to join Senators BREAUX and RIEGLE today and I urge the rest of our colleagues to join us in supporting this necessary and sensible bill.●

H.R. 1047, VETERANS' BENEFITS IMPROVEMENT ACT OF 1991

● Mr. DOMENICI. Mr. President, I rise today to address the issue of the direct spending contained in H.R. 1047, the Veterans' Benefits Improvement Act of 1991.

I believe Congress and our Nation owes a great debt to our Nation's veterans, those service men and women who have given so much for our Nation. But we must attempt to meet that obligation without breaking the provisions of the Omnibus Budget Reconciliation Act of 1990.

Though I have no objection to the substantive policy contained in H.R. 1047, the bill could add as much as $15 million to the Federal deficit over the next 5 years and the Veterans' Affairs Committee has not provided any offsets to cover this cost.

If the committee does not provide offsets to cover the cost of the direct spending in this legislation, there will be an across-the-board sequester for all entitlement programs, including Medicare, unemployment compensation, and the Commodities Credit Corporation.

The Veterans' Affairs Committees must contribute their share to the burden of reducing the deficit and must adhere to the budget agreement of 1990, the agreement Congress labored so long to construct. I sincerely hope the Veterans' Affairs Committees of both the House and the Senate will work together to produce legislation providing the necessary offsets so we may avoid a sequester.●

S. 1220—THE NATIONAL ENERGY SECURITY ACT OF 1991

● Mr. JOHNSTON. Mr. President, on July 23, 1991, the Congressional Budget Office transmitted to me a cost estimate for S. 1220, the National Energy Security Act of 1991. The legislation was ordered reported by the Committee on Energy and Natural Resources on May 23, 1991. The report on the bill was filed with the Senate on June 5, 1991 (Rept. 102–72). Because the cost estimate was not available at the time the report was filed it was not included in that document. For this reason, I request that a letter from Robert D. Reischauer dated July 23, 1991, together with the Congressional Budget Office cost estimate for S. 1220 be printed in the RECORD for the advice of the Senate following my statement.

The material follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 23, 1991.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 1220, the National Energy Security Act of 1991.

CBO estimates that this bill would result in direct spending of $800 million in 1994 for payments to Alaska (Title VII) and in additional revenues of $50 million in 1994 and 1995 (Title III), both of which are included in CBO's estimate for pay-as-you-go scoring. In a colloquy on the Senate floor on April 25, 1991, the Chairman and Ranking Minority Member of the Senate Budget Committee stated that the Budget Committee would not count these payments to Alaska, which would result from oil and gas leasing on the Arctic National Wildlife Refuge, as increasing the deficit.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 1220.

2. Bill title: National Energy Security Act of 1991.

3. Bill status: As reported by the Senate Committee on Energy and Natural Resources, June 5, 1991.

4. Bill purpose: S. 1220 would expand federal programs aimed at developing more domestic energy resources, encouraging the use of alternative fuels for transportation, and improving energy efficiency in both the private and public sectors. The bill would allow oil and gas leasing in the Arctic National Wildlife Refuge (ANWR), reorganize the government's program for providing uranium enrichment services to nuclear utilities and U.S. defense programs, and authorize a significant increase in federal spending on a broad range of energy research, development, demonstration, and commercialization activities. The proposed authorizations encompass virtually all major energy resource and technology areas, including:

Electric and other alternative-fuel vehicles;

Renewable resources such as hydropower and solar energy;

Energy efficiency technology for lighting, heating, and other applications;

Advanced nuclear reactor technology; and

Recovery and processing of oil, gas, and coal.

The bill also would amend programs for setting fuel economy standards for automobiles and light trucks, but would not set specific requirements for such standards. In addition, the bill would amend the Federal Power Act, the Natural Gas Act, and the Public Utility Holding Company Act to encourage increased use of hydropower, natural gas, and other domestic resources.

Other provisions of S. 1220 would attempt to revive the U.S. uranium industry by authorizing federal assistance for cleaning up uranium mill tailings sites and encouraging the use of domestic uranium; authorize additional payments to coastal states and communities from new federal revenues that result from leases on the Outer Continental Shelf; encourage completion of a one billion-barrel Strategic Petroleum Reserve; and authorize a ten million-barrel Defense Petroleum Inventory.

5. Estimated cost to the Federal Government:

TABLE 1.—SUMMARY OF ESTIMATED COST FOR S. 1220

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Authorizations:					
Specified authorization levels	531	154	165	11	11
Estimated authorizations	1,416	1,643	2,183	1,898	1,123
Total authorizations	1,948	1,797	2,238	1,909	1,133
Estimated outlays	842	1,470	2,091	2,023	1,755
Direct spending:					
Estimated budget authority			800	(1)	(1)
Estimated outlays			800	(1)	(1)
Asset sale receipts:					
Estimated budget authority			−1,601	−1	−1
Estimated outlays			−1,601	−1	−1

TABLE 1.—SUMMARY OF ESTIMATED COST FOR S. 1220—Continued

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Revenues	.....	.....	17	33	33

[1] Less than $500,000.

The costs of this bill fall primarily within budget functions 050, 270, and 300. (Other budget functions would be affected by the bill's provisions on federal energy management).

Basis of Estimate: For purposes of this estimate, CBO assumes that the bill would be enacted by the beginning of fiscal year 1992 and that all funds authorized would be appropriated by the start of each fiscal year. Estimated authorizations are based on information provided by the Department of Energy (DOE) and the Department of the Interior (DOI). Estimated outlays are based on historical spending patterns of similar programs. A discussion of estimated costs for each title follows.

Titles I and II. These titles are statements of the bill's findings, purposes, and definitions. There is no budget impact for either title.

Title II—CAFE. This title would amend the federal program for Corporate Average Fuel Economy (CAFE) standards.

The estimated authorizations shown on Table 2 include the costs to develop standards and regulations for the amended CAFE program as well as spending from the newly-created excessive fuel consumption fund. S. 1220 would establish a new fund into which would be deposited all fees collected for violations of CAFE standards, including those fees that would be collected under current law. The Secretary of Energy would be authorized to make expenditures from this fund, subject to appropriations, for grants to states for programs to encourage the retirement of older vehicles and for other energy conservation programs. The estimated authorizations—$330 million over the 1992–1996 period—are based on CBO's estimate of total receipts of these fees in each year, starting at $44 million in 1992 and 1993, and increasing in subsequent years pursuant to the fee increases specified by the bill.

The bill would increase federal revenues by increasing the base fee used to calculate CAFE penalties from $5 to $10, beginning in model year 1993, and to $20 beginning in model year 1996. This base fee is multiplied by the number of tenths of a mile-per-gallon by which the manufacturer falls below the applicable standard and by the number of vehicles manufactured by that manufacturer during the relevant model year. The bill would give the Secretary of Transportation the authority to increase the fuel economy standards beginning in model year 1996, but would not mandate any specific standard.

CBO assumed that, under current law, penalties paid for future model years would equal the average paid for the past several model years. (In the past five years, five European manufacturers have accounted for almost all the fines.) Using this assumption, CBO estimates that payments would total approximately $44 million per year under current law. Because S. 1220 would double the base fee, we estimate that payments for model years 1993 through 1995 under this bill would be twice the level expected under current law. Further, we estimate that the penalties for model year 1993 would be paid in fiscal years 1994 and 1995.

This estimate is highly uncertain. If companies currently paying penalties increase their average fuel economy, the additional revenue collected as a result of the penalty increase would be smaller. We believe, however, that these companies are unlikely to take steps to increase fuel economy significantly soon enough to affect receipts through fiscal year 1996. Alternatively, if the average fuel economy of other manufacturers falls below the standard and they begin to pay penalties, the additional revenues collected as a result of the penalty increase would be much greater. In any case, the impact would probably increase after fiscal year 1996, as the base fee would again double and the standard may increase.

TABLE 2.—ESTIMATED COST FOR TITLE III—CAFE

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Authorizations:					
Estimated authorizations	46	45	66	88	88
Estimated outlays	18	48	55	76	86
Revenues:					
Gross	0	0	22	44	44
Net of income and payroll tax offsets	0	0	17	33	34

Title IV—Fleets and Alternative Fuels: Title IV would require that federal and state governments gradually increase the percentage of their automotive vehicles that use alternative motor fuels—from 10 percent of new vehicle purchases in 1995 to 90 percent for 2000 and thereafter. This title also would authorize programs to promote the development and use of electric and other alternative-fuel vehicles nationwide.

Based on information from the General Services Administration (GSA), other agencies, and industry groups, CBO estimates that the federal government will purchase on average about 50,000 vehicles per year over the next five years and that alternative-fuel vehicles will cost about $2,000 more than gasoline-powered vehicles in 1995 and 1996. Under the bill's requirement that alternative-fuel vehicles comprise at least 10 percent of new federal vehicles in 1995 and at least 15 percent in 1996, CBO estimates a minimum cost of $12 million in 1995 and $20 million in 1996, including higher fueling and maintenance costs. Lower resale values for alternative-fuel vehicles would further add to federal costs after 1997, when the first vehicles purchased under this title are replaced. Federal costs for procuring alternative-fuel vehicles could increase dramatically after 1996, as the minimum purchase requirement rises to 90 percent of new vehicles by 2000.

The bill contains specific authorizations for a program to promote use of alternative fuels in mass transit, for assistance to states in meeting alternative fuel fleet requirements, and for other sections in Title IV. These authorizations total $175 million over the 1992–1996 period. In addition, the bill authorizes such sums as necessary to administer a program to demonstrate new electric vehicle technologies and for federal assistance in developing an electric vehicle infrastructure in the United States. These programs are estimated to cost $158 million, mostly to promote the development and use of alternative fuels. Table 3 summarizes the estimated costs of Title IV.

TABLE 3.—ESTIMATED COST FOR TITLE IV—FLEETS AND ALTERNATIVE FUELS

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Specified authorization levels	65	45	45	10	10
Estimated authorizations	1	16	51	37	45
Total title IV authorizations	66	61	96	47	55
Estimated outlays	14	32	78	71	79

Title V—Renewable Energy: This title would authorize spending to promote the development and use of renewable energy resources such as hydropower, solar heating and photovoltaic electricity, geothermal resources, and biomass fuels. Title V also would amend the Federal Power Act to streamline licensing of hydropower facilities. The bill contains specific authorizations for establishing a Committee on Renewable Energy Commerce and Trade (CORECT), and for conducting joint research and development ventures with nonfederal entities on a variety of renewable energy technologies. In addition, the bill authorizes such sums as necessary for continuing CORECT activities in 1993 and 1994, and for other activities related to use of renewable resources. Table 4 summarizes the estimated costs of Title V.

TABLE 4.—ESTIMATED COST FOR TITLE V—RENEWABLE ENERGY

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Specified authorization levels	52	40	41	.....	.....
Estimated authorizations	17	29	34	5	6
Total title IV authorizations	69	69	75	5	6
Estimated outlays	28	61	71	46	11

Title VI—Energy Efficiency: This title would expand federal energy efficiency programs. Major provisions of Title VI would:

Require the federal government to adopt all efficiency measures that have a payback period of 10 years of less and to conduct other activities aimed at improving federal energy management,

Require DOE to establish new standards for building energy efficiency;

Encourage private industry to adopt voluntary efficiency guidelines;

Encourage electric utilities to invest in energy efficiency technologies;

Establish requirements for recycling lubricating oil;

Authorize new assistance to state, local, insular, and tribal communities for investments in energy efficiency; and

Require the Department of Health and Human Services and DOE to study alternative methods of using low-income energy assistance funds, including the potential purchase of future options contracts for fuel.

Title VI contains specific authorizations for some provisions, and authorizes such sums as necessary to carry out others. Table 5 summarizes the estimated costs for this title.

TABLE 5.—ESTIMATED COST FOR TITLE VI—ENERGY EFFICIENCY

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Specified authorization levels	68	23	33	1	1
Estimated authorizations Federal energy management	.....	200	225	225	250
Other provisions	39	44	50	61	70
Total title VI authorizations	107	267	308	287	321
Estimated outlays	40	173	286	258	259

The largest potential budget impact of Title VI is for the provision requiring the government to implement, by the year 2000, all energy efficiency measures for which the costs can be recovered in operational savings over a period of 10 years or less (10-year payback). Based on information provided by DOE, CBO estimates that meeting this requirement would cost at least $5 billion in spending on energy efficiency measures over the 1992–2000 period. Once agencies complete all of the conservation measures with payback periods of 10 years or less, the government would save an estimated $800 million per year in energy costs. Current spending for energy use in federal buildings totals more than $4 billion per year, most of which is for defense facilities. DOE estimates that implementing all 10-year payback measures would cut energy spending by about 20 percent. Title VI would authorize $50 million for 1992 to begin implementing energy efficiency measures.

For the purposes of this estimate, we assume that over the next five years agencies would obligate about $1.2 billion and spend about $1.0 billion to implement those measures with the greatest potential for efficiency improvement. (For example, they might adopt all efficiency measures with payback periods of five years or less by 1996.) These costs would be partially offset by operational savings of about $250 million over the same period. (Table 5 reflects estimated spending net of savings.) Under these assumptions, annual savings would grow to about $200 million per year by 1997. Completing all measures with a payback of 10 years or less would require at least $4 billion in additional spending after 1996.

Title VII—ANWR Oil and Gas Leasing: Title VII would open ANWR to oil and gas leasing, specify that any receipts from such leasing be split evenly between the federal government and the State of Alaska, and authorize the use of federal receipts from ANWR leasing for arctic research and research and development targeted at improving domestic energy security. Table 6 summarizes the estimated cost for Title VII, and an explanation of these costs follows the table.

TABLE 6.—ESTIMATED COSTS FOR TITLE VII—ANWR OIL AND GAS LEASING

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Asset sale receipts:					
Estimated budget authority	.....	.....	−1,601	−1	−1
Estimated outlays	.....	.....	−1,601	−1	−1
Direct spending: Payments to Alaska:					
Estimated budget authority	.....	.....	800	(1)	(1)
Estimated outlays	.....	.....	800	(1)	(1)
Energy fund authorizations:					
Estimated authorizations	.....	.....	.....	852	43
Estimated outlays	.....	.....	.....	313	424
DOI and EPA authorizations:					
Estimated authorizations	3	3	3	8	8
Estimated outlays	2	3	3	5	6

[1] Less than $500,000.

Title VII would authorize a competitive oil and gas leasing program to be carried out by DOI on areas of the coastal plain of ANWR. DOI would be required to include terms and conditions in leases to ensure that the environment of the coastal plain is protected. Any areas found by DOI to be particularly vulnerable to environmental damage could be removed from leasing consideration.

DOI would have nine months after the bill's enactment to promulgate regulations for the leasing program. The first lease sale would be limited to no more than 300,000 acres and would be held within 18 months of the issuance of regulations (27 months after the bill's enactment). The second lease sale would occur three years after the initial sale with subsequent sales authorized to occur every two years thereafter.

All bonus bid, rental, and royalty receipts from lease sales would be split evenly between the federal government and the State of Alaska. The federal share of receipts would be deposited into a new account to be called the Energy Security Fund. DOE would be required to prepare a list of energy programs and projects, and the Energy Security Fund, including interest earned on its balances, would be available to finance these projects beginning one year after the list is transmitted to the Congress. CBO estimates that, assuming appropriation of the necessary funds, spending from the Energy Security Fund would total $313 million in 1995 and $424 million in 1996.

In addition to the amounts shown in the table, the government would receive about $900 million in 1997 as a result of the second lease sale authorized in this title. Half of these receipts would be paid to Alaska in that year. The remainder of the funds would be spent by DOE, assuming appropriation of the funds, over the 1997–2001 period.

Subtitle C specifies the terms and conditions for issuing and monitoring leases on the coastal plain. CBO estimates that the first lease sale would occur early in fiscal year 1994, 25 months after enactment of the bill. To derive receipt estimates, CBO assumed that legal challenges would not prevent DOI from issuing regulations and holding lease sales within the specified time period. If Alaska brings suit against the federal government challenging the receipt-sharing provisions, the first lease sale may not occur by 1994. Further, CBO assumes that Section 7318 of the bill, relating to the rights of the Inupiat Eskimos, would have no impact on the federal budget. If legal action arises out of the provisions of this section, additional federal outlays for damages could be incurred.

Based on an analysis by DOI of potential tract values, CBO estimates that competitive bidding in the first lease sale would yield bonuses totaling approximately $1.6 billion. Annual rentals from leases issued in the first sale would total about $1 million, beginning in 1994. As specified in the bill, the second lease sale could not occur until 36 months after the first sale. We estimate that this second sale would therefore occur in fiscal year 1997 and would bring in an additional $900 million in bonus buds.

Net of payments to Alaska, federal receipts from these sales would total about $800 million in 1994 and $450 million in 1997. Royalties, which would begin only after oil production has actually begun, are unlikely to be received until well after the year 2000.

Subtitle D would direct the Secretary of the Interior to administer the provisions of the bill through regulations, lease terms and other measures to ensure that oil and gas-related activities have no significant impact on subsistence users, on the environment, or on fish and wildlife. Site-specific analysis and other measures to monitor and mitigate environmental effects would be required. CBO estimates that, assuming appropriation of the necessary funds, these activities would increase federal outlays by about $2 million in 1992 and by about $3 million annually thereafter.

In addition, after the first lease sale, EPA would be authorized to spend $5 million a year to enforce environmental laws. Of this amount, at least 25 percent would be transferred to the State of Alaska to offset its enforcement costs. CBO estimates that, assuming appropriation of the necessary funds, environmental enforcement would result in additional federal outlays of about $2 million in 1995, $3 million in 1996, and $5 million annually thereafter until 10 years after production ceases, as specified in the bill.

Subtitle E would establish liability and reclamation standards for federal lands affected by oil and gas-related activities. This title would also provide for the creation of the Coastal Plain Liability and Reclamation Fund, which would receive the proceeds from a new $0.05 per barrel fee on oil and gas from ANWR entering the Trans-Alaska Pipeline System (TAPS). Interest earned on fund investments and any amounts recovered from parties responsible for environmental damage would also be deposited into the fund. Collections and expenditures from the funds would not occur until after production begins (well after the year 2000) and are thus not included in this estimate.

Subtitle F would provide that proceeds from ANWR-related transactions such as competitive bids, royalties and rents be distributed evenly between the U.S. government and the State of Alaska. CBO assumes that Alaska's share of gross receipts would be disbursed to the state in the year collected through the permanent appropriation for payments under the Minerals Leasing Act.

Title VIII—Advanced Nuclear Reactor: This title would authorize activities targeted at developing and commercializing advanced nuclear fission technologies. The proposed advanced reactor program would have a goal of commercializing new technologies capable

of providing private electric power to a utility grid no later than the year 2010. To begin work on such new technologies, the bill would authorize such sums as necessary for fiscal years 1992, 1993, and 1994. Table 7 summarizes the estimated cost for this title, which would be mostly for the preliminary engineering design of one or more prototype advanced nuclear reactor technologies.

TABLE 7.—ESTIMATED COST FOR TITLE VIII—ADVANCED NUCLEAR REACTOR

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Estimated authorizations	112	116	118	.....	.....
Estimated outlays	50	97	116	65	18

Title IX—Nuclear Reactor Licensing: Title IX would attempt to streamline the licensing of commercial nuclear reactors by changing the existing two-step process (for obtaining both construction and operating licenses) to a one-step process for obtaining a combined license for commercial operation, pending a post-construction hearing. CBO estimates that these provisions would have no net effect on the federal budget because any changes in costs for licensing activity by the Nuclear Regulatory Commission (NRC) would be offset by corresponding changes in NRC fees.

Title X—Uranium: This title would reorganize the government's uranium enrichment enterprise and assist the domestic uranium industry. Table 8 summarizes the estimated costs for Title X. A detailed explanation of this title's key provisions and estimated costs follows the table.

TABLE 8.—ESTIMATED COST FOR TITLE X—URANIUM

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Specified authorization level	300	.....	.....	.....	.....
Estimated authorizations	5	.....	.....	.....	.....
Total title X authorizations	305	.....	.....	.....	.....
Estimated outlays	3	27	50	50	75

Subtitle A would establish a wholly owned government corporation to replace the existing DOE program for providing uranium enrichment services to commercial nuclear powerplants and to government defense and research programs. Key features of the proposed corporation are summarized below. The bill would:

Set the corporation's initial debt at $364 million, payable with interest to the Treasury over a period of 20 years. Payment of the $364 million debt would constitute all of the recovery of past costs associated with the uranium enrichment program. By contrast, the General Accounting Office (GAO) estimates that unrecovered federal costs for uranium enrichment now total about $11 billion.

Provide the uranium enrichment corporation with up to $2.5 billion in borrowing authority, but would not allow the corporation to borrow from the Treasury's Federal Financing Bank. The corporation would fund its spending through a combination of its revenues and borrowing from the public. Under current law, the Congress provides an annual appropriation to fund the DOE program.

Provide that the proposed corporation be managed by an Administrator and a corporate board, both appointed by the President. The Secretary of Energy would have general supervision over the Administrator for health, safety, environment, and national security concerns.

Transfer current DOE production facilities for uranium enrichment to the corporation. The corporation would then issue capital stock to the Treasury to represent the book value of assets transferred.

Require the corporation to set prices to (1) recover its initial debt; (2) pay for its costs of service; (3) recover cost of decontamination and decommissioning; and (4) provide a "normal business" profit—to be paid in dividends to the Treasury.

Exempt the corporation from sequestration under the Balanced Budget Act (Gramm-Rudman-Hollings). With the exception of initial set-up costs, the corporation's spending would not be subject to annual appropriations.

Subtitle A also would establish a fund, using enrichment receipts, for the decontamination and decommissioning (D&D) of the government's uranium enrichment facilities.

Subtitle B contains provisions that would assist and attempt to revitalize the domestic uranium industry by:

Establishing a program that could lead to increased purchases of domestic uranium by nuclear utilities;

Establishing a national strategic uranium reserve (consisting of uranium stocks currently held by the U.S. government);

Directing the Secretary of Energy to encourage the use and export of domestic uranium;

Requiring the federal government to purchase only domestic uranium for defense needs; and

Establishing a program for partial reimbursement, by the federal government, of remedial action at active uranium and thorium processing sites. The bill authorizes $300 million for this purpose.

Costs for Title X, Subtitle A: The major potential short-term budget impact of the bill would result from the creation of a new Uranium Enrichment Corporation, which would carry out functions currently performed by DOE. The bill would authorize such sums as necessary to pay the costs of setting up the corporation. Except for these initial expenses, the new corporation's spending would not be subject to annual appropriation. Once it is established, the corporation would have the authority to spend any funds obtained from the sale of enriched uranium or through borrowing from the public.

CBO does not estimate any budget impact over the 1992–1996 period for the provision that defines unrecovered costs of the uranium enrichment enterprise as $364 million. Defining unrecovered costs at the bill's specified level could affect long-term pricing of enrichment services, but is unlikely to have any near-term effect because most of the expected receipts from the sale of such services over the next five years are already committed under contract. Over the long term, the U.S. government's ability to recover past costs of the enrichment program will be limited by market forces. Both DOE and the proposed corporation would have to price services so as to compete effectively with other suppliers.

For the 1992–1996 period, CBO estimates that the corporation would spend an average of $1.5 billion to $1.6 billion a year and take in similar amounts in annual commercial receipts; net outlays—excluding intragovernmental transactions—would be about $50 million in fiscal year 1992 and about $125 million over the 1992–1996 period. The corporation would also provide enrichment services for government programs, primarily for defense activities. Receipts from these intragovernmental sales would total about $130 million in 1992 and slightly higher amounts in subsequent years. The annual totals of commercial and government receipts for enrichment services are likely to be greater than gross spending on uranium enrichment activities over the 1992–1996 period. Hence, net spending by the corporation would be negative over the next five years. Some of the Corporation's receipts, however, would be offset by spending in other programs (primarily defense), specifically for the purchase of those enrichment services.

Whether the proposed change in the uranium enrichment program would significantly affect the government's net spending over the next five years depends on what appropriations would otherwise be. Spending plans for uranium enrichment are particularly uncertain because of potentially large increases in the program's costs for power, capital improvements, environmental cleanup activities, and new enrichment facilities.

Nevertheless, it is possible that spending on enrichment under the bill would exceed that under current law because the enrichment program no longer would have to compete with other federal programs for appropriations and because it would have to bear certain costs that are not required under current law. For example, CBO estimates that setting up the corporation would require up to $5 million in administrative and legal costs. The bill would authorize the appropriations of such sums as necessary to meet these set-up costs. The bill also would require the corporation to make payments to states, in lieu of taxes, beginning in fiscal year 1997. We estimate that these payments would total $5 million to $15 million per year, starting in 1997.

Use of Corporation Borrowing Authority: On average, projected spending would remain below or close to the total of estimated corporation receipts (commercial and government sales) for the 1992–1996 period. Hence, CBO does not estimate that the corporation would use its $2.5 billion borrowing authority in the near term—except perhaps for some short-term borrowing to meet cash-flow requirements. Long-term borrowing would become more likely if and when the corporation builds new enrichment facilities, depending on whether new technology and market demand warrant an expansion of enrichment capacity. Initial spending for construction of a new enrichment plant could begin before 1996, but would not be completed until the late 1990s. This estimate does not assume any such spending in excess of amounts which would have been spent from appropriations under current law.

Decontamination and Decommissioning (D&D): The bill would establish a fund for the eventual decontamination and decommissioning of uranium enrichment facilities. The three principal facilities are the production plants in Paducah, Kentucky; Portsmouth, Ohio; and Oak Ridge, Tennessee. (The Oak Ridge plant is no longer in active service, but DOE has not conducted any major D&D work for the plant.) Costs to complete D&D will probably total considerably more than $1 billion, in 1991 dollars, per facility. Based on information provided by DOE, CBO does not estimate any significant spending on D&D activities during the 1992–1996 period. In fact, most of the eventual D&D spending will probably take place after 2000.

The corporation would have to set aside, from its receipts, at least 50 percent of estimated total D&D costs by 2000. CBO does not

estimate any change in commercial receipts over the 1992–1996 period, as a result of this D&D set-aside provision. Intragovernmental enrichment receipts could increase under the bill, but any such changes would have no net budget impact because these receipts are exactly offset by spending in defense and other nuclear materials programs. The D&D set-aside provision could affect pricing of commercial enrichment services after 1996, when most new contracts would be agreed to.

Costs for Title X, Subtitle B: The provisions of Subtitle B would result in $300 million of additional spending, indexed to inflation and subject to appropriations, to fund remedial actions at uranium and thorium processing facilities. Assuming appropriations of the authorized funds, CBO estimates that about $200 million would be spent during the 1992–1996 period, with the remaining funds spent after 1996. This estimate is based on information provided by the Nuclear Regulatory Commission's Denver field office, which monitors uranium site plans and cleanup activities. CBO estimates that other provisions of Subtitle B would have no significant impact on the budget over the 1992–1996 period.

Title XI—Natural Gas: This title would amend the Natural Gas Act, the Natural Gas Policy Act of 1978, and the Federal Power Act in an attempt to improve regulation of the natural gas industry. Title XI provisions would encourage construction of new natural gas pipeline facilities and the use of natural gas as a vehicular fuel.

The Federal Energy Regulatory Commission (FERC) is responsible for regulating the natural gas industry. FERC assesses and collects fees to cover 100 percent of its costs. Hence, CBO estimates that Title XI would have no net effect on the federal budget because any changes in costs for FERC activity would be offset by corresponding changes in fees.

Title XII—Outer Continental Shelf: Title XII would direct the Secretary of the Interior to pay, 60 days after the start of each fiscal year, into the Coastal State and Community Outer Continental Shelf (OCS) Impact Assistance Fund, 37.5 percent of all bonuses, rents, and royalties from new wells collected during the previous fiscal year. Then, subject to appropriations action, the Secretary would pay the amounts deposited in the fund to states affected by OCS activities according to a formula specified in the bill.

Because the bill would establish February 5, 1991 as the starting date for earmarking OCS receipts for the fund, the first payment to states would be in 1992, assuming appropriation of the earmarked amounts. For the near term, the annual cost of Title XII would be 37.5 percent of all bonuses and rents collected in the previous fiscal year. (CBO estimates that payments for bonuses and rents from new wells would be $800 million for the portion of fiscal year 1991 that would be subject to this bill, and $560 million annually over the 1992- 1995 period.) In addition, 37.5 percent of royalties from wells that begin production after February 5, 1991 would be paid, but such royalties are not expected until 1994; the resulting payments to states would be minor for the next two years: $5 million in 1995 and $20 million in 1996. Table 9 summarizes the estimated payments to states from the fund under Title XII.

TABLE 9.—ESTIMATED COST FOR TITLE XII—OUTER CONTINENTAL SHELF

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Estimated authorization level	300	210	210	215	230
Estimated outlays	300	210	210	215	230

Title XIII—Research, Development, Demonstration, and Commercialization: Title XIII would require DOE to conduct research and development activities to support the eventual commercialization of new technologies in a broad range of energy areas, including:

Natural gas end-use and supply enhancement;

High efficiency heat engines;

Oil shale development;

High-temperature superconducting electric power;

Renewable energy resources;

Natural gas and electric heating and cooling;

Nuclear fusion;

Electric vehicles; and

Advanced oil recovery and tar sands.

Title XIII would also require DOE to study telecommuting's potential for reducing domestic energy and transportation costs, and options for minimizing the volume and toxic lifetime of nuclear waste. In addition, this title would require DOE to expand its support of science and mathematics education in the United States. The bill would authorize $40 million per year for 1992, 1993, and 1994 for research, development, and demonstration of high-efficiency heat engines and for natural gas and electric heating and cooling technologies. It also would authorize such sums as necessary, over the 1992–1994 period, to carry out other provisions of the Title XIII. Table 10 summarizes the estimated costs of this title.

TABLE 10.—ESTIMATED COST FOR TITLE XIII—RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIALIZATION ACTIVITIES

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Specified authorization level	40	40	40	.....	.....
Estimated authorizations	469	530	944	47	49
Total title XIII authorizations	509	570	984	47	49
Estimated outlays	223	448	738	505	201

The largest components of the estimated cost for Title XIII are for continuing nuclear fusion research, conducting more extensive electric vehicle research, development, and demonstrations, and a 1994 authorization for renewable energy and energy efficiency R&D.

Title XIV—Coal, Coal Technology, and Electricity: This title would require DOE to continue and expand coal research, development, and demonstration programs to promote the use of coal in a variety of applications, both in the U.S. and abroad. For example, research areas would include potential non-fuel uses of coal, underground coal gasification, coal-fired magnetohydrodynamics, and coal-fired locomotives. Title XIV would authorize $20 million over the 1992–1994 period for research on non-fuel use of coal, and such sums as necessary to carry out other provisions of the title. Table 11 summarizes the estimated costs of Title XIV.

TABLE 11.—COST FOR TITLE XIV—COAL, COAL TECHNOLOGY, AND ELECTRICITY

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Specified authorization level	6	7	7	.....	.....
Estimated authorizations	350	369	396	312	324
Total title XIV authorizations	356	376	403	312	324
Estimated outlays	145	293	383	360	334

Title XV—Public Utility Holding Company Act Reform: Title XV would amend the Public Utility Holding Company Act (PUHCA) to exempt certain wholesale generators of electricity from federal regulations, thus encouraging independent power producers to compete with traditional electric utilities in wholesale power markets.

The Federal Energy Regulatory Commission (FERC) is responsible for federal regulation of the electric utility industry. Because the FERC assesses and collects fees to cover 100 percent of its cost, CBO estimates that Title XV would have no net effect on the federal budget because any changes in costs for FERC activity would be offset by corresponding changes in fees.

Title XVI—Strategic Petroleum Reserve. The bill's last title would encourage DOE to fill the Strategic Petroleum Reserve (SPR) to the mandated level of one billion barrels as soon as possible, using any appropriate combination of oil purchases, oil leasing, or oil exchange agreements with foreign governments. Title XVI would also create a Defense Petroleum Inventory of 10 million barrels of crude oil to meet the requirements of the Department of Defense in case of an oil supply disruption.

Based on information provided by the DOE and using CBO's oil price assumptions, CBO estimates the Defense Petroleum Inventory would cost approximately $75 million to construct and maintain over the next five years, and about $265 million to fill to the level of 10 million barrels, assuming appropriation of the necessary funds. Other provisions of Title XVI would have no impact on federal spending or receipts. Table 12 summarizes the estimated costs of this title.

TABLE 12.—ESTIMATED COST FOR TITLE XVI—STRATEGIC PETROLEUM RESERVE

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Estimated authorization level	75	80	85	100	.....
Estimated outlays	18	78	101	93	50

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. Section 257(e) of that act states in part that receipts generated from the sale of federal assets cannot be counted for the purposes of deficit reduction. While the lease sales mandated in Title VII would increase gross federal receipts by an estimated $1,602 million through 1995, these receipts result from the sale of the right to explore and extract minerals from federal land. CBO considers these transactions to be asset sales as defined by section 250(c)(21) of the Budget Enforcement Act. The receipts generated from these lease sales, therefore, should not be counted toward deficit reduction under the new procedures. CBO considers the payments to Alaska, totaling $800 million in 1994, to be direct spending. We therefore would count these payments as additional outlays for the purposes of pay-as-you-go procedures. Further, the increased CAFE penalties imposed by

Title III would result in additional receipts that would be counted toward deficit reduction under these procedures.

TABLE 13.—CBO ESTIMATE OF PAY-AS-YOU-GO SCORING

[By fiscal year, in millions of dollars]

	1991	1992	1993	1994	1995
Outlays	0	0	0	800	(1)
Receipts	0	0	0	17	33

[1] Less than $500,000.

7. Estimated cost to State and local governments:

Title IV would require state and local governments to gradually increase the percentage of alternative-fuel vehicles in fleets operating in any metropolitan area with a population over 250,000. It is difficult to predict the number of annual purchases by state and local governments that would be subject to Title IV requirements. Based on information from industry associations and government agencies, CBO estimates that at least 50,000 new vehicles per year would be subject to Title IV requirements for the purchase of alternative fuel vehicles.

In 1995, 10 percent of vehicles purchased by states and localities would have to be alternative-fuel vehicles. They are projected to cost about $2,000 more to produce than an identical gasoline-powered vehicle. On this basis, CBO estimates that the cost to state and local governments to purchase and operate alternative-fuel vehicles would be at least $12 million in 1995, and would increase as higher percentages of alternative-fuel vehicles are required. Costs after 1995 could increase significantly as the purchase requirement rises from 10 percent to 90 percent of new vehicles by the year 2000. Higher fueling and maintenance costs, as well as lower resale values for alternative-fuel vehicles, also would be significant. Costs to state and local governments would vary depending on the scale of production of alternative-fuel vehicles and the regional price of gasoline relative to other fuels.

The State of Alaska would share 50 percent of all bonus bids, rentals, and royalties realized from enactment of the ANWR provisions in Title VII. As a result, CBO estimates that payments to Alaska would increase by approximately $800 million in 1994. A subsequent payment totaling $450 million would result from a second lease sale in 1997. Assuming appropriation of the necessary funds, after the first lease sale, the state would receive at least $1 million annually to offset some of its costs to enforce compliance with environmental laws.

Under Title X, both Kentucky and Ohio are likely to receive federal payments in lieu of state and local taxes for facilities operated by the proposed uranium enrichment corporation. Under the bill as amended, however, these payments would not begin until 1997. The corporation would determine the amount of any such payments. Potential payments would depend on estimates of the corporation's annual net income and the value of the corporation's property. Based on tax information provided by the two states, CBO estimates that payments could total between $5 million and $15 million per year, beginning in 1997.

Title XII would direct the Secretary of the Interior to pay 37.5 percent of OCS bonuses, rents, and royalties to coastal states affected by the federal government's oil and gas leasing program. Assuming the Congress appropriates the authorized amounts, affected states would receive about $300 million in 1992, and from $210 million to $230 million annually over the 1993–1996 period.

In addition, several titles (III through VI, XIII, and XIV) would provide federal matching funds for a variety of energy planning, conservation, research, development, and demonstration programs. Some of the money authorized by these titles would be provided on the condition that nonfederal money is used to match a portion for the federal funds. As a result, enacting S. 1220 could add to state and local government costs to the extent that state and local governments choose to expend funds to obtain the federal matching funds. Some of the money needed to match federal funds may be provided by private organizations. CBO cannot estimate the amount of state and local government spending that would result from enacting the matching fund provisions of S. 1220.

8. Estimate comparison: None.

9. Previous CBO estimate:

On May 31, 1991, CBO provided a cost estimate for S. 210, the Comprehensive Uranium Act of 1991, as amended by the Senate Committee on Energy and Natural Resources on May 22, 1991. Title X of S. 1220 is identical to S. 210, as amended, and the estimate for Title X is the same as the estimate for S. 210 provided on May 31.

On March 8, 1991, CBO provided a cost estimate for the ANWR provisions contained in Title IX of S. 341, as introduced. The estimates of asset sale receipts for oil and gas leasing on ANWR are unchanged in this estimate for S. 1220. The main difference between the two estimates for Title VII reflect the change made in S. 1220 to make Energy Security Fund spending and spending by the EPA subject to appropriations. In the earlier version of the bill (S. 341, as introduced), such spending would not have been subject to appropriations.

10. Estimate prepared by: Kim Cawley and Pete Fontaine (DOE), Teresa Gullo (ANWR), James Hearn (OCS), Majorie Miller (CAFE), and Michael Buhl (alternative-fuel vehicles), all at 226-2860.

11. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).●

INTERNATIONAL SPECIAL OLYMPICS

● Mr. DURENBERGER. Mr. President, on Friday night one of the most inspiring and exciting events we have ever experienced in Minnesota came to the end with the closing ceremony of the International Special Olympics. It was an event which has changed the lives of thousands of people forever. There could be no more complete celebration of the human spirit than that experienced by these people who, although they are different in so many ways, were unified in the pursuit of excellence.

Six thousand athletes participated, from 103 countries and 53 U.S. States and territories. Fifteen thousand family members from around the globe also came. The youngest was 8 years old and the oldest was 85. There were over 2,000 coaches in the 16 sports competed in the Special Olympics; 40,000 people volunteered their time to help bring the games off successfully. Eight heads of state participated.

Mr. President, those statistics, as amazing as they are, understate the magnitude of this event. I can say from personal experience that each athlete, each coach, each parent, and each volunteer came away from this event with a new understanding of what courage and achievement mean. As the son of an athletic director, I've been to a lot of sports events in my life. But the skill and heart displayed by these athletes throughout the 8 days of the games was like nothing I have ever seen or felt.

All the athletes were persons with mental retardation. But it was their ability, not their disability, that shined through.

There was the power lifter who lifted over 4½ times his body weight.

There was the roller skater who overcame the personal tragedy of the death of a sister shortly before the games began who went on to set a Special Olympic world record.

There was the first ever Special Olympic Half-Marathon, competed in by a former runner from the Boston Marathon.

As a Minnesota Senator, I could not be more proud of the 40,000 people from my State who gave time, talent, money, and encouragement to this wonderful event. Most of them probably feel as I do: For everything given, twice as much was received. No State could have done a better job than Minnesota in making these games all they were meant to be. Special thanks belong to Executive Director Mark Musso and Development Director Linda Wylie, who gave months of their lives to this event.

It was my special honor to serve as Team Minnesota's honorary coach, and those 100 athletes mean so much to me. They have given me an example of strength and character I will never forget. I am proud to include their names in the RECORD.

Mr. President, it will probably be 12 years before the International Summer Special Olympics returns to the United States. I look forward to that day, and hope that all my colleagues and all Americans can in some way be a part of this event, which celebrates and elevates the best that is in each one of us.

The list follows:

1991 TEAM MINNESOTA

AQUATICS

Athletes: Dave Barbo, Mankato; Jeffry Burke, Aurora; Darrin Collum, Montevideo; Andrew Dean, Farbault; Jody French, Montevideo; Rosemary Holen, St. Paul; Nicole Rumpca, Montross; Kathleen Plummer, St. Anthony; Alternate, Kathy Kilns, Roseville.

Coaches: Judy Loburg, Head Coach, Buffalo; Suzie Klein, Assistant Coach, Brian Stoarzyk, Assistant Coach, Superior, WI.

ATHLETICS

Athletes: Susan Baumgartner, LaCrescent, Wayne Bjerken, Columbia Heights; Kyle Hanson, Pine City; Gary Jacobson, Rossau; Sean Kansiter, Saginaw; Michael Neher, Hayfield, Matt Non, Proctor, Marilyn Pep-

per, Arlington; Anna Smith, Nisswa; Adam Steffey, Red Wing, Diane Stilday, Lake George; Daniel Stiller, Paquot Lakes; Jason Uecker, Blue Earth; Kurt Van DeWalker, Red Wing; Alternates, Christy Borun, Wyoming; Joshua Jewell, Rochester.

Coaches: Kathy Robatcek, Head Coach, Cambridge; Brad Kirk, Assistant Coach, Mountain Lake; Jodi Lund, Assistant Coach, Bemidji; Kip Narbo, Assistant Coach, Lori Steensira, Assistant Coach, Maple Grove.

BASKETBALL

Athletes: Angie Gelling, Ashby; Nancy Keily, Golden Valley; Linda Markle, Duluth; Renee Motchenbacher, Mora; Debbie Stennes, Rochester; Mary Stennes, Rochester; Ann Strassburg, Fridley; Suzie Takle, Bemidji; Stephanie Wannebo, Pine River; Barb Willenbring, Waite Park; Alternate, Lisa Sanders, Sauk Centre.

Coaches: Jan Roth, Head Coach, Plainview; Clark Lapley, Assistant Coach, Cass Lake.

BOWLING

Athletes: Regina Andera, Robbinsdale; Barb Burss, Alexandria; Emily Cameron, St. Cloud; Stephanie Fair, Maple Grove; Adam Forsgren, Brooklyn Center; Dave Godin, Int'l Falls; Gary Smoot, Mankato; Bernice Wagner, Alexandria; Kim Alton, St. Paul; Tom Corbett, St. Paul; Melissa Dyrhaug, St. Paul; Mandy Foster, St. Paul.

Coaches: Sue Thompson, Head Coach, St. Cloud; Kris Schones, Assistant Coach, St. Paul; John Kozak, Assistant Coach, Robbinsdale; Debbie Zehrer, Assistant Coach, Sauk Centre.

CYCLING

Athletes: Nicholas Rounds, Bagley; Melissa Stingley, Proctor; Dean Wicktor, Cambridge-Isanti; Kathleen Donahue, Minneapolis.

Coach: Karin Babb, Head Coach, Cambridge.

EQUESTRIAN

Athletes: Steven Moos, Bermidji; Dana Peterson, Chaska; Jeannie Sterling, Cloquet; Alternate, Tina Stacken, St. Louis Park.

Coaches: Deborah Radio, Head Coach, Chaska; Gloria Syck, Assistant Coach, Duluth.

FOOTBALL (SOCCER)

Athletes: Bill Benage, Hopkins; Tom Benage, Hopkins; Nolan Carlson, St. Louis Park; David Christensen, New Hope; Wayne Keilen, Kenyon; Matt Lee, St. Louis Park; Shawn Lee, Milaca; Larry Wessel, St. Cloud.

Coaches: Tim Boran, Head Coach, Faribault; Isay Lisser, Assistant Coach, Walte Park.

GYMNASTICS

Athletes: Susie Bears, Parkers Prairie; Kathy Gray, Proctor; Stephanie Maves, Duluth; Melissa Miller, Proctor; Dorothy Somppi, Duluth; Amy Volby, Excelsior.

Coaches: Karen Atidneon, Head Coach, Hamel; Catherine Eggleston, Assistant Coach, Tampico, IL; Tammy Podgorak, Assistant Coach, Superior, WI.

POWERLIFTING

Athletes: Chris Austrums, Minneapolis; Jay Carlson, Cambridge-Isanti; Louis Nosan, White Bear Lake; Tom Opst, Minneapolis.

Coaches: John Schaefer, Head Coach, Superior, WI; Don Whitby, Assistant Coach, Duluth.

ROLLER SKATING

Athletes: Katia Baltes, St. Cloud; Josephine Brown, Anoka; Robert Ulrich, Anoka; Alternate, Mark Hayds, Anoka.

Coach: Sue Jackson, Head Coach, St. Cloud.

SOFTBALL

Athletes: Rodney Anderson, Mora; David Bartz, Mora; James Davis, Duluth; Peter Drury, Rochester; Terry Eppard, Rochester; Steve Kwapick, Duluth; Jim Law, St. Paul; Doug Lueck, Mankato; Quentin Ohm, Montevideo; James O'Malley, Montevideo; Don Pitcher, Fairmont; Billy Tirrum, Fairmont; Kraig Trebeach, Redwood Falls; Jim Urban, Mankato; Cory Wagner, Mankato; Alternate, Chris Gehrke, St. Paul.

Coaches: Charles Klopp, Head Coach, Minneapolis; Dan McEachran, Assistant Coach, St. Louis Park; Jim Smith, Assistant Coach, Fairmont.

TENNIS

Athletes: Melissa Adcock, Eden Prairie; Jason Flaherty, Burnsville; Scott Raberge, Bloomington.

Coach: Carol Feldmann, Head Coach, Alexandria.

VOLLEYBALL

Athletes: Michael Hansen, New Ulm; Christopher Johnson, Duluth; Bill Gugsek, Duluth; Daryl Munstermann, Mankato; Andrew Nelson, Mankato; John O'Keaffe, Mankato; Bobby Poirier, Duluth; Rick Rankin, Duluth; Alan Tettelbaum, Duluth; Travis Winbsuer, Duluth.

Coaches: Luann Pokomowski, Head Coach, Mankato; Raysa Carlson, Assistant Coach, Superior, WI.●

VETERANS' HOSPICE SERVICES ACT OF 1991

● Mr. D'AMATO. Mr. President, I rise today to join my colleague, Senator GRAHAM, in cosponsoring S. 1358—the Veterans' Hospice Services Act of 1991. I am pleased to lend my support to this vital effort to give terminally ill veterans the option of hospice care services.

I have long been a strong believer in the value of hospice care as an alternative to traditional hospital or nursing home care for the terminally ill. Today, hospice enjoys broad public support, and its benefits are available, under current law, to Medicare and most Medicaid patients.

Unfortunately, such benefits are not widely available to our Nation's veterans. Studies indicate that the vast majority of terminally ill veterans die in an institutional hospital setting, rather than in the comfort of their own homes. It is shameful that those Americans who have sacrificed the most in defense of their country are being denied the opportunity to die with dignity.

The Veterans Hospice Services Act would redress this injustice by giving our Nation's veterans the right to choose hospice care if they want it. The legislation would authorize the Secretary of Veterans Affairs to establish 15 to 30 pilot programs to deliver hospice care to terminally ill veterans. The bill would encourage the VA to test a variety of hospice care delivery models—including in-house programs staffed by VA personnel, or contract programs that allow the VA to work with private, profit or non-profit hospice organizations.

It is time to extend the option of hospice care to our Nation's veterans. I commend my colleague from Florida for his efforts to give them this option, and I urge my colleagues to join me in cosponsoring S. 1358.●

COMMENDING OIC SUMMER PROGRAM PARTICIPANTS

● Mr. GORE. Mr. President, I rise today to commend a very special group of young people for the successful completion of the Nashville Opportunities Industrialization Center [OIC] Summer Youth Employment and Training Program. Steven Batts, Laron W. Bridgeforth, Marcus L. Bright, Tracey O. Bright, Chad E. Cannon, Toi M. Cole, Antonio L. Davis, Carolyn M. Elrath, Elaine Johnson, Jessie L. Knowles, Reginald E. Lyons, Martha A. Martin, Sheronda R. Newsome, Catherine E. Northcott, Shauntel D. Pullen, Tracy L. Walls, James R. Williams, Katrinia L. Williams, Jacqueline C. Woodard and Jessie Woodard completed the rigorous educational and employment requirements and I applaud their dedication and hard work.

The Summer Youth Employment and Training Program is a partnership of the Nashville Opportunities Industrialization Center, the Metropolitan Government of Nashville/Davidson County, and the Job Training Partnership Act. The goal of this program is to provide classroom skills training in math, language arts, and reading and to provide on the job work experience in various professional offices in Nashville. As these young adults face the challenges of the future, the skills and experience they receive from this program will help them be competitive in the job market and enable them to reach their career goals.

The success of this program would not be possible without the hard work of the participants, staff, and partners of OIC. I commend OIC executive director Betty Cunningham, summer youth coordinator Lee Mackey, and the other dedicated staff members for their tireless efforts. I salute the "can-do" spirit of those associated with this important program and wish these special young people continued success in the future.●

ORDERS FOR TOMORROW

Mr. WIRTH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Tuesday; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; and that there be a period for the transaction of morning business not to extend beyond 10 a.m.

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

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. WIRTH. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as under the previous order, until 9:30 a.m., Tuesday, July 30.

There being no objection, the Senate, at 9:57 p.m., recessed until Tuesday, July 30, 1991, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate July 29, 1991:

THE JUDICIARY

J. MICHAEL LUTTIG, OF VIRGINIA, TO BE U.S. CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.